

DEALING *with* DELINQUENCY

YEARBOOK

NATIONAL PROBATION ASSOCIATION
NINETEEN HUNDRED AND FORTY

CURRENT OPINION ON THE TREATMENT AND PREVENTION
OF DELINQUENCY AND CRIME. PAPERS GIVEN AT THE
THIRTY-FOURTH ANNUAL CONFERENCE OF THE ASSOCIATION
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Edited by

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FOREWORD

DELINQUENCY, adult and juvenile, challenges the serious consideration of every thoughtful citizen. Social treatment of the individual offender—on probation, in the correctional institution, and on parole—attempts to meet the problem after it has become manifest. Efforts at prevention of delinquency and crime anticipate trouble both in the individual and in the community, and seek to forestall it.

In this Yearbook the National Probation Association presents twenty-two articles covering both phases of the subject. The 1940 edition, published under the title *Dealing with Delinquency*, is, as its predecessors have been, chiefly a compilation of the papers given at the time of its annual conference. The place of meeting this year was Grand Rapids, Michigan, and the dates May 24 to 28.

A digest of current legislation on probation, parole, and juvenile courts is included; also a review of the work of the Association for the year.

We believe this volume will be interesting as informational and reference material to both the lay and the professional reader.

CHARLES L. CHUTE

December 1940



TABLE OF CONTENTS

I THE INSIDE APPROACH TO DELINQUENCY PREVENTION

	Page
Fred A. Romano Organizing a Community for Delinquency Prevention	1
Bernard J. Bird Telling Youth about Crime.....	13

II JUVENILE COURT-COMMUNITY RELATIONSHIPS

Donald E. Long The Juvenile Court and Community Resources	24
Elsa Castendyck Juvenile Courts in the Light of the White House Conference.....	34

III FOLLOWING UP THE DELINQUENT CHILD

Emanuel Borenstein Release of the Child from the Institution	47
V. Lorne Stewart How Some Delinquents Turned Out ..	68

IV THE YOUNG OFFENDER

William Draper Lewis Treatment of the Adolescent Offender	79
Charles L. Chute Comment	92
Arthur W. James Federal Experience with the Youthful Offender	97

V SOME TYPES OF ADULT OFFENDERS

George W. Henry } The Sex Offender: A Consideration	
Alfred A. Gross } of Therapeutic Principles.....	114
Edwin H. Sutherland White-Collar Criminality	138
Edward Pokorny Friend of the Court in Family Cases..	156

VI INDIVIDUALIZED TREATMENT, ADULT AND JUVENILE

Robert C. Taber The Value of Case Work to the Probationer	167
Elmer W. Reeves Administrative Procedures and Case Work Services	180

	Page
Charles E. Hendry The Contribution of Group Work to Case Work with Delinquents.....	193
Genevieve Gabower Motivating the Delinquent to Accept Treatment	207
George E. Gardner The Psychiatrist's Role in the Treat- ment of the Delinquent.....	220

VII PROBATION AND PAROLE ADMINISTRATION

<i>Debate</i>	Shall the Administration of Probation and Parole Be Combined?.....	234
Joseph H. Hagan <i>Affirmative</i>		
Joseph P. Murphy <i>Negative</i>	.....	239
Ethel N. Cherry	Supervision of Workers in a Probation Department	254
Randel Shake	Discussion	265

VIII TELLING THE PUBLIC

Gilbert Cosulich	Probation and Parole Publicity in the Press	271
Lowell Juilliard Carr	Interpreting Probation and Parole through the Radio.....	282

IX LEGAL DIGEST

Gilbert Cosulich	Legislation and Decisions Affecting Probation, Parole and Juvenile Courts, 1939-1940	288
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X THE NATIONAL PROBATION ASSOCIATION

Charles L. Chute	Review of the Year 1939-1940.....	296
Treasurer's Report		308
Minutes of the Annual Meeting.....		312
Officers, Board of Trustees, Advisory Committee, Professional Council, Western Advisory Council, Staff.....		318
Minutes, Meeting of the Professional Council.....		326
By-laws of the Association.....		330
Program of the Association.....		334
INDEX		336

I THE INSIDE APPROACH TO DELINQUENCY PREVENTION



Organizing a Community for Delinquency Prevention

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DELINQUENCY today is a familiar topic. Having served for a period as a parole agent I have been constantly in touch with the very roots of the problem. But I have also been engaged in a program together with the other adult residents in my community, in which we are attempting to work jointly toward the solution of some of the delinquency problems among our neighborhood children.

The community which I refer to is located in Chicago's near north side. It is bounded by Chicago avenue on the south, North avenue on the north, La Salle street on the east, and the north branch of the Chicago river on the west. In size the district is roughly half a mile wide and a mile long, and it has a population today of approximately 30,000 persons.

For years my community has been one of the city areas which has had consistently high rates of delinquency. It is typical in this respect of all the areas which surround the central business districts and major industrial developments in Chicago and other large American cities.

Since 1850 the neighborhood has been one of the low rent districts in Chicago. It has been a place of first immigrant settlement, successively occupied by Irish, German,

Swedish, and Italian immigrants and Negroes from the South. These people came into the area because it offered them the low cost living quarters which they had to seek because of their limited financial resources. They could not afford the higher living standards which prevailed in the more desirable residential areas. As the earlier groups prospered in the economic life of the city they tended to move out of the district and were replaced by more recent immigrants.

We of the Italian community today find some consolation in the fact that the Irish, Germans, and Swedes before us experienced the problem of delinquency and crime among their children and young adults while they lived in the neighborhood. Rates of delinquency have remained relatively constant despite the successive changes in the nationality composition of the community's population. In facing our delinquency problem today we feel that we are not facing what is distinctively ours but what has confronted every group of people who ever lived in the social and economic situation of our district.

Throughout the years traditions and patterns of delinquency and crime have become established in the life of our community. These patterns and attitudes are transmitted by older boys to younger boys growing up in the district. Many children who are exposed to contacts and experiences of a delinquent nature become educated and trained in crime in the course of participating in the daily life of the neighborhood. They learn delinquency in the same fashion that children in more fortunate circumstances learn conventional forms of conduct.

Delinquent Children Are Normal

I think many authorities will agree with me when I say that the large majority of delinquent boys in my community are normal children. They have the same native phys-

ical and mental abilities as any other children, and their delinquencies are the result of undesirable influences in the community and a lack of socially acceptable opportunities. Given the same influences and opportunities which prevail in other sections of the city, they would be as law-abiding and as conventional as children anywhere.

Delinquency careers are usually the result of a long process of education and training. Boys start out in such minor activities as junking, shoeshining and singing in taverns. They graduate into the more serious types of delinquency step by step. The course which a boy will follow depends upon the nature of his contacts and associations. A boy usually adopts the practices which are common to his particular group.

I cannot emphasize too much the suffering and sorrow which have occurred in my community as a result of delinquency and crime. It is indeed sad to see our young boys and young men in conflict with the law, incarcerated in juvenile and adult correctional institutions, and worst of all, branded by society as criminals. Our community mothers and fathers, law-abiding themselves, have lamented the fact that their children become involved in delinquency and have exerted every effort to keep them law-abiding.

In the past we have been confronted by almost insurmountable obstacles in our efforts to provide socially approved opportunities for our children. In the first place, our community has been characterized by a confusion of conflicting attitudes and standards of behavior. This has made the task of parents difficult because frequently they found their own attitudes were in conflict with the standards and practices which their children acquired in the play group, the school, and the community. Children developed interests and desires which their parents could not satisfy because of their poverty. Parents were con-

fused and frustrated in their efforts to instill in their children the essential qualities for conventional, law-abiding life.

Society has attempted to deal with the problem through its schools, courts, correctional institutions and character building agencies. While these efforts have no doubt had their good effects, they have in many cases further added to the confusion in the neighborhood life because they have not usually been closely related to the interests and efforts of the local people. As a rule parents and local adult residents have had little opportunity to participate in the planning and promotion of the programs of these important constructive enterprises. As a result many of these services have existed apart from our neighborhood life and for the most part they have not effected basic changes in the community.

Cooperative Action

In 1935 however, our community people were called upon to take the leadership in the formulation and promotion of our own program for the improvement of our neighborhood. This invitation came to us from the Chicago Area Project, directed by Clifford R. Shaw, head of the Department of Research Sociology at the Institute for Juvenile Research. The Area Project offered to work with us in securing financial assistance if we would undertake to work together in such a program.

This was the first time that any of our group had been approached by an organization supported from outside our neighborhood. We had never been asked to help in planning and carrying on the programs of private and public agencies operating in our community. Some of these had been functioning in the neighborhood for more than thirty years. Many of us had lamented the fact that we did not have the means to do more for our neigh-

borhood children, and we were overjoyed at the opportunity which finally had come to us.

From the beginning we have had the support of the North Side Boys' Clubs, an organization of men many of whom are residents to the east of our area. They have given us valuable financial help and a great deal of encouragement in our work. Although these men ask no credit for the work they do and are committed to the idea of letting us local people take leadership, we have always deeply appreciated their generous and sincere cooperation.

The Nucleus

In our effort to organize a community council of local adult leaders we started from a nucleus of sixty-five men between the ages of twenty-five and thirty-five who have been together for more than fifteen years in a social and athletic club known as the Owl-Indians Athletic Club. Dr. A. J. Lendino, our community dentist and for fourteen years the president of the Owl-Indians, called his group, together with some thirty other community leaders, to a meeting at Seward Park, and they listened to a full presentation by Mr. Shaw in which he pointed out the task which lay before us. At the conclusion of this meeting, we organized the North Side Civic Committee and dedicated ourselves to the work of improving our neighborhood and the influences surrounding our children.

Before telling you of the work which we have been doing during the last five years I want to mention briefly the history of the Owl-Indians because we are very proud of our earlier accomplishments as boys and young men in the community in providing for our own welfare.

A group of us, about twenty in number, began as a little street corner gang during our grammar school days. We played together, fought together and attended school together. We had no name but we were closely knit to-

gether by friendship. As we grew older we played basketball at our local park, and because our members varied in weight we had two teams. One we called the Seward Park Owls, and the other the Seward Park Indians. I happened to be an Owl.

Later on, in 1923, we decided to formally organize into a social and athletic club and secure a state charter. In choosing a name we encountered difficulties because both the Owls and the Indians were loyal to their names. After five meetings on the subject we pleased both groups by naming our organization the Owl-Indians Athletic Club.

As the Owl-Indians we had a varied athletic and social program which we planned and conducted ourselves. We played baseball, basketball and many other sports. We had picnics, dances, parties and all kinds of social events. In athletics we won park championships, A. A. U. championships, church league championships, and hundreds of individual contests with teams throughout the city.

Through the years our membership increased. Young men in the neighborhood wanted to join the Owl-Indians because we had winning teams and neighborhood prestige. Our membership became community wide and broadly representative of our neighborhood. Sixteen of our members became professional men—doctors, dentists and lawyers. Within our group we have men engaged in all types of business and industry. By participating together for a number of years we formed strong friendships and learned to understand each other and work together. This has helped us immeasurably in our North Side Civic Committee efforts.

After we had organized the Civic Committee, eighteen subcommittees were named to plan the various phases of the contemplated community program. These committees were concerned with delinquency, education, vocational guidance, health and sanitation, civic improvement,

educational tours, Boy Scouts, music, arts and crafts, athletics, camp, societies and clubs, social functions and several other activities. When these committees had been appointed we began to function as a community organization.

Creating Play Facilities

Our first undertaking was an attempt to find and create play facilities for the community children. We approached our public parks and offered our services to help in the building of a community-wide program there. We went to our local churches and within a few months had programs operating in four of them. Game rooms and handicraft shops were established in the parks, churches and in several store front centers which we obtained.

We selected approximately thirty young men from the community to serve as leaders for the children in these recreational centers. These men were chosen because they had prestige in the community and were leaders among the boys. They were chosen because we felt they possessed the qualities of constructive leadership. Since their employment they have gone through training courses where they acquire the specialized techniques of their work. Whatever we have accomplished since the inception of the program is in large measure due to the efforts and interest of these local young men who are trying to provide for the children some of the things that they themselves lacked as boys.

At Seward Park we found the building dilapidated and rundown. The roof leaked, the showers didn't work, and the whole building had been sadly neglected. The park was monopolized by one gang of boys in the immediate vicinity. These boys used the park and excluded the other neighborhood children. We were able to secure the cooperation of these older boys and open up the park facilities to all of the community. We requested improvements

for the park and take pride in the fact that today we have a completely rehabilitated building comparable to any other in the city.

Gradually we have developed a year-round program of activities for boys in the district. Our basketball tournament involves forty-five teams and our softball tournament included eighty-five teams last year. Our activities include volleyball, touch-football, table games, handicrafts, kite contests, marble tournaments, roller-skate derbies, educational tours, Boy Scouting, Cubbing, camping, swimming, movies and many others. More than seventy-five per cent of the community boys between the ages of ten and seventeen participate in this program.

We are particularly proud of what we have been able to do in Scouting. Five years ago there were no Scouts in our district. Scouting was regarded by the boys as a "sissy" activity and parents were afraid it was a military program. We felt that Scouting offered a valuable program for our children and selected two young men to be our first Scoutmasters. These men knew nothing of Scouting but they soon learned. We promoted Scouting, talked in favor of it all over the neighborhood, and encouraged the boys to participate. Today we have seven troops and five Cub packs and a total Scout membership of 255 boys. Seventy Scouts are in full uniform and the program has definitely been accepted by the community parents.

Another matter of great concern to us has been our public school situation. We found one school in our community that had had a new principal almost every year for eight years. Teachers were being regularly transferred in and out of the district. School assemblies and extracurricular activities common to schools in other sections of the city were lacking. It was evident to us that in such an unstable and restricted school situation our children would undoubtedly be handicapped. Our educa-

tional committee went to the district superintendent of schools and made recommendations as to how the schools could be improved in our neighborhood. She appointed a new principal for the school I have referred to, a man who has now been with us four years. He is interested in working with us to better the educational opportunities for our children. Since his coming to the community, his teachers have withdrawn their applications for transfers and there is a much closer relationship between the school and the community people. Each year we conduct interschool athletic recreational programs, and last spring three of our North Side Civic Committee members addressed the graduating classes in three local schools. To a large degree our committee of local residents serves now as a parent-teachers organization interpreting the needs of the community to the school and selling the school program to the community.

Other Activities

Our other committees have functioned in regard to other community problems. The vocational guidance committee has been active in searching for employment opportunities for our young men and adults. The educational committee is now busy interesting young men and women who have completed high school in preparing themselves for teaching positions in our public schools. The civic improvement committee is working to better the housing facilities in the district and has achieved a high degree of organization and cooperation among the approximately three hundred resident property owners.

Our summer camp is one of our most valuable and constructive enterprises. Using the facilities which are extended to us by the Salvation Army, we take 400 boys between the ages of ten and sixteen to camp for a week each summer. The camp is staffed by fifty volunteer leaders

selected from the neighborhood. It is truly a community endeavor, planned and conducted by our community people. The importance of the camp as a means for building a closer relationship between adults and children in the community, and for introducing new interests and attitudes to the boys cannot be overemphasized.

In our efforts to improve our district we have been greatly encouraged by the fine cooperation we have received from many sources both in our neighborhood and throughout the city. In addition to aid from the Chicago Area Project, the North Side Boys' Clubs and the Institute for Juvenile Research, we have been assisted by the Chicago park district workers, the WPA, the Boy Scouts of America and many other public and private agencies. The cooperation which has been achieved is particularly valuable in our work with delinquent boys.

We make an effort to give special supervision to all of the delinquents and potential delinquents in the community. The juvenile police officers at our two local police stations and the probation officers from the juvenile court cooperate to the extent of referring official cases to us for supervision. In addition we are constantly giving special attention to boys whom we know to be on the verge of delinquency. Through the wide membership of our committee it is possible for us to make first hand intimate contact with these boys and their parents. We are able to introduce the large majority of the boys to our program activities and establish close personal relationships with them which have proved most effective in influencing their behavior.

Both the juvenile police officers and the workers from the juvenile court feel that our program has made their work more effective. Tim Keady, the juvenile officer at Hudson avenue police station, spent eight days at camp with the neighborhood boys and reported that he estab-

lished a kind of relationship with them which he had been unable to achieve in his years of police work. Stuart Forward, juvenile court probation officer, makes his neighborhood headquarters in one of our recreational centers and finds that he benefits greatly by this identification with the local community's effort.

These official authorities dealing with delinquency cases in our district have told us of marked reductions in the number of boys under their care. While we do not feel that our program has gone far enough for us to make claims regarding its potentialities for delinquency prevention, we have noted great constructive changes in the behavior of a large number of our neighborhood boys. We do not hesitate to say, however, that many of our neighborhood children are now securing satisfactions through the conventionally approved activities which were formerly achieved by participation in delinquency.

A great help in our effort has been the appointment of three local men who were selected by our North Side Civic Committee to serve in important positions in relation to our community. The Chicago Council of the Boy Scouts of America has appointed one young man to their paid staff to serve as neighborhood Scout commissioner in promoting the Scout program. The Board of Compulsory Education has appointed a local man to the position of truant officer for our community schools, and we are also fortunate to have a local man as the parole agent for our district to work with us in the supervision of our juveniles and adults who are parolees from state institutions.

I cannot stress too much the value to us of having local persons in the positions of truant officer and parole agent. These men can call upon parents and other neighborhood adults for cooperation in guiding the truants and parolees under their care. We work with the truant officer and the

parole agent in creating opportunities for the boys and men they supervise. The parolees and truants themselves feel that these persons understand their problems and are working to help them.

We are working with many other community problems and as new problems arise we organize ourselves to deal with them. Our accomplishments so far have given us great confidence in our ability to do much in the way of improving our district. We know that what we have already been able to achieve is only the beginning of the task which lies before us. We need employment opportunities in our district, we need wider educational opportunities, and we still need to further strengthen the degree of organization among our neighborhood people, but we know that by working together we can in time accomplish much. With the encouragement which has come we are enthusiastically dedicating ourselves to continuously pursue our community effort for many years to come.

Telling Youth About Crime

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IT would be most presumptuous of me to attempt to tell a professional group in the field of delinquency anything new about crime prevention. However, I should like to present a crime prevention program in the schools which has been practicable in a metropolitan center typical of the more populous communities in this country. If I can relate this program to other successful crime prevention programs, including coordinating councils, junior police programs, special service bureaus in schools, child guidance setups, institutional programs, and others, I shall be most happy. We in Erie county view our crime prevention service as a clinic since it envisages the substitution of correct attitudes, concepts and techniques of citizenship for faulty ones, although I grant that the word clinic has been somewhat overworked of late as in such designations as football clinics, career clinics, and even charm clinics.

Educational crime prevention suggests that education is a crime preventive and that crime prevention is educational. There could hardly be any doubt as to the strategy of correlating the theme of early crime prevention with the everyday curriculum of our schools, even our higher educational institutions. Since everyone at birth has potentialities for both good citizenship and delinquency, can we not say that good citizenship or criminality depends in the last analysis upon the behavior of our social genes and chromosomes? Sutherland tells us in

his *Criminology* that every person is a potential delinquent.

It seems essential to state the philosophy which serves as the foundation for the superstructure of this program. We hold the following principles to be axiomatic. The school is the most logical place in which to build any kind of crime prevention program. The school is the one agency that has all the children of all the people. It is the most accessible of all social institutions. Its administration is by its nature child-welfare minded. Bright children, average children, dull children, defective children, aggressive and passive ones, may all without discrimination receive the message of crime prevention.

Is it really possible to refine our criminological concepts to a point where we can classify children into arbitrary groupings such as the predelinquents or non-predelinquents? Do we not usually allow the cop on the beat to act as the final authority in the role of social diagnostician? During recent years research authorities have amassed some damaging data on the dullness of our social diagnostic tools. Why should we not assume that all children are potential delinquents and proceed to inoculate all of them against the virus of delinquency and crime? We are endeavoring to do that in the jurisdiction of the children's court and probation department in Buffalo.

Presenting the Program

Our program is presented in two ways. In view of the differences between the personality development and the curricular limitations in elementary and secondary schools, it has been thought advisable to make the crime prevention service flexible. Boys and girls from the sixth through the eighth grade in the elementary schools are present with their teachers as it has been established that the program is of great value to both children and

teachers. At the opening of the program a letter to the children from Judge Victor B. Wylegala of the children's court is read. The court's message serves to put the child audience in an attentive and friendly frame of mind. This letter also makes clear that the program is sponsored by the court and that the court is a preventive as well as a rehabilitative agency. Two sound films, one reel in length and 16 mm. in size, are then screened. A week or two later the second part of the program is presented. On this occasion the speaker returns to that school and interprets the situations depicted in the films in easily understandable language and in terms of the particular school district and general community. It is necessary to point out to the children that they see only the one career of crime depicted on the screen, while we in the court and probation department see hundreds that we use as a basis for discussion. The necessity of suiting the particular talk to the economic and social conditions that obtain among those children cannot be overemphasized. This procedure is necessary before the interest of the children can be developed into readiness for assimilating the philosophy of crime prevention.

In the program given to secondary school pupils Judge Wylegala's letter to the children is read first just as it is to the younger children. The juvenile delinquency film is then shown, followed immediately by the interpretive talk. The secondary school program is thus given in its entirety at one time. The tenor of this talk is of necessity different from that in the elementary schools.

To the Children

Perhaps it would be appropriate to mention a few of the topics developed in the general interpretive followup talk. It may not be amiss to demonstrate the technique that has been suggested. The speaker for the occasion

is introduced by the principal of the school and proceeds in some such manner as follows:

Mr. Smith and friends at School No. 115: I feel that it is a great privilege to be here today. I have been sent by the children's court and the Erie county probation department to help you. The pictures that were shown the last time I visited you must certainly have made you do a lot of thinking. I should like to discuss them with you today. Joe Krutz was about your age when the troubles you saw pictured on the screen happened to him. Little Joe began getting into trouble as early as ten years of age. He took some fruit from the corner store at that time. You are not so far right now from ten years of age and you all no doubt have stores in your neighborhoods. A little later Joe took some things from the five and ten cent store. You all have five and ten cent stores in your community. Some of you laughed when his companions took the fruit while he attracted the attention of the old storekeeper. That was not funny. At that very time that little boy was taking his first step down the hard road leading to life imprisonment or perhaps execution.

Later he trespassed on railroad property and stole articles from box cars. You see, he was getting a little bolder and a lot worse as he grew older. Then when he was eighteen his life was all lived. He was only a kid but he was all through.

Let's talk about some of the other things shown in that picture. You saw many things in that picture that ought to make you think and ought to help you. You saw a boy arrested. You saw him appear before the children's court. All boys and girls under sixteen who break laws in this city come before the children's court. Persons over sixteen who break laws in this city are brought before the city court, county court, supreme court and the other big courts. I've seen all kinds of children before the court. In fact I've seen altogether too many. Children's court Judge Wylegala and chief probation officer Volz of our department felt that way when they allowed me to develop this service that we are bringing to your school today. We would rather come now and tell you things that we know will help you to keep out of trouble than wait until you are brought to us after you are in trouble. It's easier to follow good advice when you are young than when you are older.

I don't know anything easier to get into than trouble. When you get in trouble with the law you are guilty of either juvenile delinquency or crime. If you are under sixteen in Buffalo it's juvenile delinquency. If you are over sixteen it's crime.

Let's talk about Joe Krutz again. Perhaps one of his companions said, "Let's take some stuff from the old guy at the corner." Instead of saying *no* Joe went along and within a few minutes he was stealing. Later when he was about seventeen he was going into places where he should not have gone. Remember how easy that fight started? Two boys began to argue and all of a sudden one hit the other on the head with a bottle. It didn't take long for that to happen. The boy who hit the other on the head was guilty of assault. He would then be brought before the big court, because he was over sixteen years of age. He would have his name and picture in the paper. Down at police headquarters they would take his fingerprints. These fingerprints are sent to both Albany and Washington and they remain there forever.

Let's take this neighborhood, for example. You know all about the different things in the neighborhood as well as I do. There are grocery stores, five and ten cent stores, railroad tracks, box cars, automobiles and all the other things shown in Joe Krutz's life. Can you say *no* when someone asks you to do any of the bad things that you saw in the picture? I know that you will never ask anybody to do any of those things. It is most important to be able to make up your own mind and be able to say *yes* or *no*.

A little later in life you will have to make a choice between persons who run for city, state and federal offices. That includes the girls too. Perhaps you girls have wondered what you are doing at this crime prevention program. That's a good question. Mr. Smith, your principal, and I talked about that before we arranged this program. We both think that you girls are pretty important people. You can help us a lot. You are the sisters, some big and some little. Or maybe you are the cousins of the boys, or perhaps only the friends. You can help in keeping the boys out of trouble. I take for granted that you will keep yourselves out of trouble. But don't forget we have women's prisons too.

I visit prison often. I always do a lot of thinking then. I think a lot especially when that big iron gate goes "clank" behind me. It shuts out the sunlight that shines on the people outside and the air that the people outside breathe. I know people who once were in school just as you are now, but who are at this moment in prison. A person visiting prison for the first time gets many surprises. Perhaps you think that prisoners look so different from ordinary persons that you could tell them right away. That's wrong. Men and women in prison today are very, very young. Many of them are handsome and have good minds. But they have not used these wonderful gifts in

the right way. The worst criminals are only about nineteen or twenty years of age. Those of that age group lead in serious offenses against the law. They commit crimes which are so cruel that it even hurts me to name them—larceny, robbery, burglary, rape, and even murder. Some of these crimes are committed by young people with guns in their hands.

You are living in a little world of your own. Your world now is different from the world that you will be in when you are through going to school. You have a fine chance now to develop all the things that you will need to live in a democratic country like the United States. In my opinion there are three important things that all pupils in school should learn how to do. They are the three biggest jobs that you will be obliged to do all your life. You should be very friendly to your books. Get to know them well, and you will surely learn to like them a lot. Learn to get along well with your teachers. They have devoted their lives to the study of children and what children need in order to become good citizens. You must learn how to take orders and suggestions from them. In America the ability to accept lawfully constituted authority is most important. The third thing that you have to learn how to do is to get along at all times with the other boys and girls. If you learn how to get along with others now you will always respect the rights and property of your fellow citizens.

After your school days are over you will enter a different world. If you practice these things you will always be good citizens. You will have some kind of tools or books at that time. They may be the instruments of a surgeon, the tools of a carpenter, or the case books of a lawyer. Any good workman must have a knowledge of his tools and how to use them. You will also have bosses or superiors. Your bosses will direct you in your work. You will have to do as they say. If you learn how to take orders from your teachers you will have no trouble in following the orders of your superiors. When you go to work for somebody else or even when you go into business for yourself, you will always be working with others. You will have men and women working with you at that time. Now you have boys and girls studying with you. If you give them what is theirs and respect their bodies and minds now you will no doubt act the same way when you go to work. If you play fair in your school life you will play fair in your work life.

We bring you this message not only to help you to stay out of trouble but to put you in a position where you can help to keep others out of trouble. In just a few years this city will belong to you. You will have everything to say about it. You

will pay all its bills. Among those bills will be the crime bill. At present the United States pays between twelve and fifteen billions of dollars a year for its crime bill. What will it be when you are paying it? Are you going to make it necessary to build more prisons? If you and all the other children in America do everything possible by way of stopping juvenile delinquency and crime we shall not need any more prisons. Now is the time for you to start to do all possible as your share. Keep yourselves out of trouble and keep everybody else out of trouble.

The film on recreation pretty much tells its own story. It shows you how much fun you can have when you go to the proper places. I know that that picture has given you some real ideas. There are so many organizations that are anxious to help you. Take advantage of them and use them.

When most business agencies send out representatives they do it for the purpose of getting new business. They want new accounts. Judge Wylegala does not do that. He does not want any more business. We hope that our crime prevention program will help to keep you out of trouble as long as you live. We in the Erie County Children's Court and probation department hope that we shall never meet you on official business.

Value of the Interval

The lapse of time between viewing the pictures and hearing the interpretation in the case of the younger group raises a question as to whether or not there is a loss in vividness of impression and in readiness for modification of attitudes and conduct. This is not a weakness because the likelihood of snap judgments on the part of the child audience is eliminated by the spacing of the two parts of the program. Giving them the opportunity for delayed consideration of the situations depicted on the screen is based on sound principles of psychology. The problem of recall on the part of the children has not proved to be an obstacle. The interval between the two visits to the school gives the teachers unlimited opportunity to make preparations for the interpretive talk. They can review the situations that have been pictured for the children and can arouse the intellectual curiosity

that should be an essential part of readiness for learning in any area of education.

Expressions of Opinion

It is gratifying to us to hear the opinions of thoughtful persons on the merits of the program. The principal of a public elementary school in Buffalo said that it is not only the children who benefit by such programs. The teachers learn something of the technique necessary to help the delinquent child as well as the child who is in danger of becoming delinquent. Another elementary school principal in Buffalo commended the program as the first attempt to teach crime prevention to children by such graphic and understandable means.

Of great interest are the opinions expressed by the children themselves. An eighth grade girl in a foreign speaking school district said, "I am sure that the girls all felt very honored when you said that they could help a lot. We will do our part to help wherever we are needed." A seventh grade boy in another public elementary school said, "I see what a bad mistake Joe Krutz made when he started to steal. Of course he did have bad surroundings, but if he wanted to be honest he did not have to steal." A seventh grade class wrote a letter to the speaker enclosing a list of the following points from their notebooks under the heading, "Good Advice Learned at the Crime Prevention Program:"

- 1 Never steal anything when you are small, so that you will grow up to be an honest American citizen who obeys the law.
- 2 We should always obey our parents, teachers, policemen and older people.
- 3 Girls can often help keep their brothers out of trouble.

- 4 Do not go with bad companions.
- 5 Crime does not pay.
- 6 Do not laugh at children who steal things from fruit-stands, stores or box cars.
- 7 Don't steal small things when you are young so that you won't want to steal big things when you are older.
- 8 Be friendly with our classmates so that we will learn to get along with people.
- 9 Learn to obey orders promptly.

Perhaps it would be fitting to cite judgments pronounced by leaders in the motion picture industry and the field of education. Will H. Hays, president of the Motion Picture Producers and Distributors of America, read a paper on "The Motion Picture in Education" before the convention of the National Education Association in San Francisco on July 6, 1939. Mr. Hays, in speaking of the new implements of education, said that "foresight in the commercial development of the motion picture here resulted in its present excellence as an art form and its technical superiority as a conveyer of ideas." He continued, "It has become a tremendous influence in conditioning the thoughts of men everywhere. For these reasons you want it to use in your classrooms, particularly in those fields where it can supply vicarious experience—the best available substitute for actual experience."

Dr. Elizabeth Laine, author of *Motion Pictures and Radio*, a publication of the 1938 New York Regents' Inquiry, states that, "Motion pictures present things and situations in their totality. They should be supplemented by the teacher's explanation, both of which contribute to one instructional process. It is the guiding idea in the teacher's mind that directs the whole learning activity. Motion pictures present experiences in such realistic form

that they often seem to have the value of experience. The functions of the motion pictures are as follows: (1) to present movement and growth; (2) to present total situations; (3) to present abstract ideas; (4) to stimulate self-expression. Motion pictures teach more efficiently, more rapidly and more permanently than do other teaching aids. Motion pictures cannot by and of themselves produce the desired intellectual activities. The teacher must see to it that the pupils are judging and comparing. The teacher should call attention to the general while the children behold the particular. The teacher should emphasize causes while the children are absorbed in effects. Motion pictures present abstract ideas and endow these abstract ideas pertaining to social relationships with concrete meaning."

The dangerous age seems to be from ten to eighteen. The seeds of good citizenship should be sown and resown at this period of life. Warden James A. Johnston of Alcatraz Penitentiary, speaking at the U. S. Attorney General's Conference on Crime, said, "Youth predominates in crime. Prisons and reformatories are jammed with young men and boys. Over fifty per cent have arrest records and three-fourths were sufficiently delinquent to bring them in conflict with police before reaching the age of sixteen. Criminal tendencies assert themselves early in life. It is not beyond our ability to discover the tendencies and to treat them in school days. All we need is the courage to do early what we are obliged to do late."

The Attorney General's Conference on Crime passed a resolution recognizing that "criminal careers usually originate in the early years of neglected childhood, and that the most fundamental and hopeful measures of crime prevention are those directed toward discovering the underlying factors in the delinquency of children, and

strengthening and coordinating the resources of the home, the school and the community for child training and child guidance." We feel that our program coordinates the home, the school and the children's court. The court has two functions—one is crime prevention and the other is rehabilitation.

Looking Ahead

We have some plans to work out during the coming school year. Judge Wylegala's weekly message will be a pointed and kindly paragraph on some topic related to crime or the prevention of crime. It will be placed on the bulletin boards of the schools in the court's jurisdiction. This communication can be correlated with religion, civics, English, economic citizenship and the other subjects of the curriculum.

Conferences will be held with school faculties before and after crime prevention programs. These conferences will give the probation officer an opportunity to help individual teachers develop the social viewpoint. Topics such as the jurisdiction and structure of the children's court, prehearing investigations, and methods of supervision can be discussed.

Invitations will be sent to PTA groups, mothers' clubs, and other organizations of that type to attend crime prevention programs for the purpose of seeing this service in action.

Finally, we hope that one of the outcomes of our program of educational crime prevention will be a more comprehensive understanding of the role of the children's court in the community. The court is not a stern tribunal seeking to punish the socially maladjusted child, but a wise, prudent, merciful parent, counseling her little ones about the social shoals and reefs that lie ahead on the sea of life, and guiding them into the harbor of good citizenship.

II JUVENILE COURT-COMMUNITY RELATIONSHIPS



The Juvenile Court and Community Resources

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IN attempting to distinguish cultural patterns the temptation is always very great to magnify similarities and to overlook differences. We are more inclined to yield to this temptation when our interest in the subject is conditioned by a particular desire or bias. It will be the aim of this paper, therefore, to be as objective as possible in trying to determine trends in community relationships, and wherever an individual bias seems inescapably involved, to admit it frankly rather than seek to mantle it with a spurious impartiality.

We may begin by pointing to the considerable local variations in the community relationship picture. Regional, sectional, economic, geographic, racial, even religious, these variations impose a complexity that we could well wish removed for clarity and order. But since we may not avoid, let us embrace it and assert openly the purely relative character of our analysis. There will be no blacks or whites, only an infinite number of shades of grey.

The place where we may most clearly discern a grouping or parallelism of trends is in cities as contrasted with rural areas. Leaving aside for later consideration the important question of *rate* of integration, we find in the larger population centers similarities in *extent* of integra-

tion sufficiently meaningful to establish trends. The chief reason for this is of course the number and variety of social agencies or resources available in large communities. It is to be doubted if any have or ever will have reached the saturation point, but certainly this urban growth of social resources has forced integrations of some sort — voluntary or involuntary, planned or unplanned—to the point where it is possible to assay their effectiveness in terms of a unified community program. Where social agencies have touched each other they have had to create boundaries; where they have not been able to colonize gaps between their territories other agencies have come into existence. Few large communities will now tolerate a no-man's-land in its social service map; the modern urban American insists that *no* problem go without a solution or an attempt at it.

In earlier days juvenile courts like other agencies often failed to touch coexistent resources at many points, and there was room and opportunity for growth unrelated to a unified community program. The court was apt to welcome into its family of services all manner of judicial, quasi-judicial, administrative, and even charitable functions. The fuller perception of *organic* juvenile court functions has come late, not early in the game. Leaving apart divorce and conciliation (more commonly identified with the domestic relations as distinguished from the juvenile court), we find delinquency, dependency, insanity, feeble-mindedness, physical handicaps, adoptions, mothers' pensions, nonsupport and collections, contributing to delinquency, entering this family of court services. It would be unjust to say that the motivation here was less than unselfish. Often the court saw a job that wasn't being done and did it. Moreover, the faith of the public in what the court was able to accomplish in its proper field—as yet not made explicit but nevertheless rather

generally sensed—was such that functions were frequently imposed on it from without, and acceptance of them was as proper as it was inevitable. Staffs were expanded, sub-departments created, and in some instances the court began to take on the aspect of a near-complete community welfare program in itself.

Reversing the Process

With the emergence of the unified community program idea this process has been arrested and in some cases turned backwards. Private agencies in their ceaseless—and altogether wholesome—redefinitions of themselves account partly for this reversal. Other public agencies, notably those stimulated or created by the social security program, loom still more importantly as causative of the change. And the court itself has begun to wonder exactly what its place in the community is.

Until the last decade it would not have been difficult to obtain agreement among a substantial number of judges and probation officers upon the following functions as organic, within the basic philosophy and sphere of the juvenile court investigation, disposition (or adjudication) and treatment. The illogicality of the various administrative services has so often become self-evident, and their continuation so onerous, that as the immortal Gilbert put it, "They never would be missed." Proof of duplication of service with that of some newly created or reorganized agency has often been all that was necessary to assure the lopping off of a function. And the court has frequently taken the initiative in suggesting the assumption of one or more of its duties by another agency.

It is difficult, however, to conceive of the *investigation* of cases as delegated to persons or agencies not directly attached to the court. There is a rather widespread im-

pression that the process of gathering social information for the purpose of a court hearing is identical with that of any other social investigation. That this impression is not entirely correct may be shown by calling attention to the necessity, in many cases, of *legal* evidence in addition to the social material. A judge in possession of the most complete and intelligent summary of social findings might find himself powerless to take the necessary action if confronted by a lack of legal grounds. Referring again to the question of bias, the judge must be thoroughly familiar with the personal differences and idiosyncrasies of the workers who present evidence, both *social* and *legal*, in order correctly to interpret it. Complete objectivity is a goal not possible of achievement, and most judges, consciously or unconsciously, are aware of this truth each time they make a decision. Adequately to familiarize himself with the personal bias of every social worker in the community is a manifest impossibility for any judge. He is fortunate if he has the time and the ability to cultivate a really profound knowledge of his own staff—not to mention, as Socrates would have advised, of himself.

As to *disposition*, or adjudication, few of us in the juvenile court can envisage the court deprived of this, its key function. It would not only cease to be a court, but would disappear altogether, swallowed up in some vast and I hope never to be realized governmental system wherein local autonomy and individual rights have "gone with the wind" of totalitarian utopianism. The right of the state to intervene in family relationships is defensible only in terms of the democratic system.

Treatment by the Court

But far more than this is involved in making disposition of a case. The social material must be organized for the assistance of the court in the form of a plan of

treatment. As the succeeding paragraphs will show, there is an issue here to be resolved, but let us assume for the present that the staff worker is merely faced with an agglomeration of resources, some highly integrated and organized, some not, out of which he must select the elements of a case work plan. That plan is likely to be effective only to the extent of his intimate knowledge of these resources and of his skill in obtaining full measure of what they have to offer in the way of service and cooperation. The art of social planning is no more strikingly illustrated than in this phase of the essential juvenile court process, and it is difficult to imagine a more strategic area in which it might operate. We readily admit that many situations are brought to the attention of the court wherein the plan may be self-evident or obvious, but the majority require skilful construction.

But it is precisely this third organic function, that of *treatment*, which is open to question. The court cannot and will not ever divest itself entirely of the treatment function. To do so would impose a rigidity, a mechanistic quality on the process of social welfare that our cultural pattern would not tolerate. The question to be examined is the *extent* to which the court should assume treatment of the boys and girls referred to it.

To strike directly to the heart of the problem, is the fundamental philosophy of the "treatment" idea fully consonant with the official status of a court attache or probation officer? Here again, we are in danger of drifting from the central issue by a consideration of the varying degrees of success achieved by individual courts or probation officers. We must be concerned with essential truths; there is no other way of determining the answer. The fact that that answer cannot be absolute should not deter us.

Treatment has an important dual character: first,

manipulation of environmental factors; and second, personal relationship of the worker and the client. That these two aspects, or more properly methods, are often exercised at the same time and are in many cases dependent for their success on each other is an acknowledged fact. But the personal relationship is the more important of the two. We cannot evade the acceptance of the emotional factor as of primary significance in every case of social maladjustment. The relation of the client to the worker, his relation to the members of his family (and their relation to the worker) are the stuff of which case work is made. Substitute environments, stimulation of scholastic, vocational or cultural interests, group identifications, correction of physical defects or compensations for handicaps—all these, important as they are, take second place in the treatment process beside the fact that somewhere in this picture, the child accepts or rejects someone else, and someone else accepts or rejects him.

In many cases that individual is the worker, and can it be said that his official status is not often a bar to a complete acceptance by the child? He is, whether he likes it or not—whether he admits it or not—the embodiment of control, of restraint. “You say you are my friend; does a *friend* put me in detention when I have failed to measure up to what he expects of me?” How successful can we be in interpreting the “friendly” nature of restraint? How capable is this boy of understanding and accepting the fact that he may be better off in detention—at least until we can get him to the training school? The social worker from another agency has the immense advantage of not personifying the assertion of authority. True, he may be forced to withdraw his friendship, but the resulting disillusionment is likely to be far less potent than when the culmination of the relationship is the turning of a key. Lest these statements

be construed as an abandonment of the traditional juvenile court attitude of sympathy and friendliness toward its charges or of our confidence in many instances in its success, let it be hastily and emphatically declared that such is not the case. Our concern here is not with the philosophy of the court or with its substantial achievements despite the handicap in question, but simply with the recognition of a not too palatable yet nonetheless undeniable fact: namely, that *some* children cannot or will not accept us in the role of unadulterated friendship, and that our acceptance of this fact can hardly be anything but wholesomely realistic.

Community Pressure

Also, the court is subjected, as no other similar agency is, to community pressure on individual cases. It would be expecting too much of human nature to deny that frequently the balance between a child's adjustment and a community attitude is unduly weighted at the expense of the child by reason of the court's inability adequately to interpret the child to the community. The agency has a better chance; it is further removed from the pressure spheres than the court. Frequently the referral of a child to an agency is all the interpretation the community needs, whereas probation may be rejected, in spite of all our attempts at enlightenment, as being a mere failure to take action. Who is not familiar with the magically calming effect of the announcement that a sex offender has been referred to a psychiatric clinic?

There is no intention here to be complacent in the matter of the court's prestige. It is solely a question of recognizing inherent limitations and developing a structure and a program within them. There is no reason that a court accepting these lines of demarcation cannot retain its position of importance and respect in the com-

munity, or even increase it. Being a residual agency does not imply inferiority. It is not unreasonable to claim that the handling of cases too special, too unique, perhaps too seemingly hopeless to be referable, requires skill that would not be asked of other agency workers in the field of conduct disorders. As previously indicated, no program of agency integration will ever include services for every type of problem if for no other reason than that the evolution of our social system invents new problems faster than agencies specially equipped to handle them come into being. If these problems lie in the category of child behavior difficulties, someone must be ready to take hold. That someone is and will continue to be the juvenile court.

The Use of Authority

Realism is necessary too in considering the matter of problems referred to other agencies wherein an immediate adjustment is not forthcoming, or wherein failure is the end result. These problems usually include instances of what we call "resistance." There is a tendency to dismiss resistance as something which could be invariably overcome with a little more interpretive effort on the part of the worker. This would seem to be wishful thinking. Why not admit that some adjustments are only possible when the authority of the court is invoked to back up an agency? True, such adjustments are on a relatively lower level than we could desire, but they are necessary; they are inevitable. And when failure occasionally meets the agency's efforts the court is again called upon and faces the important task of working out an alternative or substitute plan. The skill, ingenuity, and patience requisite to functioning in this less agreeable but extremely critical area should not go without recognition. Need it be said that a court staff relieved of case work duties of a less critical nature could be vastly more effective in this area?

One hardly fears loss of prestige, or for that matter, reduction in personnel, when this is taken into account. The point at which the court should stand firm is insistence on a full acceptance of its philosophy by every case worker in the community, on their cooperation in refraining from describing the court as a punitive or retributive agency. Even though the child may himself, in spite of our efforts to educate him otherwise, interpret us as the villain of the piece, we do not wish any acceleration or reinforcement of this interpretation by those who are in a relatively better position to avoid it. What we suggest is substantially this: Workers in other social agencies have a better chance of succeeding with conduct problems by reason of their non-authoritative status. There still remains ground between their approach and outright coercive tactics. The court works effectively, I believe, with those who have not responded to non-authoritarian treatment. So I say to all of these agencies, "Don't spoil our chances by cutting this ground from under our feet."

Transferring Functions

How rapidly should the process of divesting the court of all its non-organic functions proceed? The answer can only be given with reference to individual community situations. Nor is it always necessary to have an answer; the emergence of factors beyond the control of the court and sometimes of the other agencies too, takes the matter out of our hands. Manifestly, the court carries the responsibility of assuring itself of the quality and permanence of any arrangement to take over its functions. Public opinion also acts as a brake on too hasty advances in the direction of functional integrations. The rate of cultural evolution in some communities is such that if a strong juvenile court, with a well worked out treatment

program, happens to exist in them, it would be very unwise to envisage transfer of its functions except as a distant possibility. In others the court may be fighting a last-ditch campaign to retain full responsibility for probationary supervision when agencies better equipped and supported by public opinion are willing to assume it.

Mention should be made of the corollary trend, evident in many cities, toward referral of conduct problems in children to other agencies without court contact. This is obviously harmonious with the philosophy of transferring the treatment function largely to other community resources, and should be accepted and encouraged in precisely the same way. More specifically, the court should be altogether willing to assist in the process, but scrupulous in assuring itself that these problems are being handled at least according to the standards it sets itself. We are all acquainted with the well-meaning but not always well-advised person who, in order to "keep the child out of court," institutes treatment that eventually lands the child in court in a worse condition than before. Fortunately the incidence of this sort of thing seems to be decreasing; the other social agencies, both public and private, are bringing into ever clearer focus their perception of what they can and cannot do, and are acting accordingly in the matter of accepting referrals.

I wish to reiterate that I do not consider the day of the probation officer as a highly skilled and qualified case worker as passe. On the contrary, I feel that by relinquishing certain of his duties as other agencies are able and willing to assume them, he can gain in effectiveness and security. Ask any probation officer if he would not be willing to cut his supervision case load down to that nucleus of really difficult and troublesome cases which never seem to fit into the agency-resource picture, and I think he would enthusiastically assent.

Juvenile Courts in the Light of the White House Conference¹

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BEFORE taking up the discussion of juvenile courts in the light of the recent White House Conference, it may be well to review briefly some of the developments preceding the conference which underlay its discussions and recommendations, and which have affected the present form and practices of juvenile courts. Such a review is not of merely historical interest but provides a panoramic view of the social work of the courts and the part played by them during the past quarter century or more.

Social services are the means through which society fulfills its obligation to safeguard and protect children. Early efforts consisted of services to children who were orphaned, neglected, abused, or exploited, and were not concerned with the welfare of children in general. Through the organization during the latter half of the last century of "protective" or "humane" societies, efforts were made to protect neglected and abused children. The work of the societies was largely legalistic and emphasized the rescue of the child and the punishment of the offending adult. Children who were removed from their homes were cared for largely in institutions or by indenture for the period of their minority. Little attention was paid to the needs of the child as an individual other than by provision for physical care. Individualized treatment as practiced today was almost unknown. The last

¹ Paper given before the Association of Juvenile Court Judges of America, May 1940

decade of the century, however, witnessed distinct changes in this regard. The development of specialized methods of care—such as the use of foster homes—indicated growing appreciation of the peculiar needs of children other than mere physical care. The establishment of the juvenile court in 1899, like that of the humane societies, was motivated by the desire to save rather than to punish the child. In addition, however, its emphasis on the child rather than on the offense gave impetus to interest in specialized and individualized treatment of children.

Growth of Public Interest

The advent of the juvenile court was of special significance for other reasons as well. It indicated increasing public recognition of the social needs of children and of public provision for services to children. The first White House Conference, held in 1909, and the establishment in 1912 of the Children's Bureau of the United States Department of Labor were further tangible expressions of this growing appreciation of public concern. They represent the first assumption on a nationwide basis of public responsibility for child welfare. Thirty years have elapsed since the first White House Conference. During that time progress has been made in several respects. The assumption of responsibility by the public has continued, and private social agencies have expanded and improved their services. Probably the most noteworthy of the public developments was the enactment of laws providing for public aid to children in their own homes (variously known as "mothers' pensions," "widows' pensions," "mothers' aid," and so forth), interest in which had been stimulated by the White House Conference of 1909. Such plans were rapidly adopted. Underlying the development of mothers' aid was the recognition of the importance of family life in the rearing of children and of

the need of providing means for keeping the home intact even when the breadwinner had been removed. This of necessity required a case by case approach and again emphasized the desirability of individualized treatment. The first statewide law of this nature was enacted in Illinois in 1911, and within ten years mothers' aid laws were passed in forty-one states.

Additional evidence of growing public interest was apparent during the second and third decades of the twentieth century in the provisions for the legal and social protection of children, more than thirty states having appointed commissions for the study and revision of child welfare laws.¹ Another phase of this increasing recognition is seen in the development of more adequate child labor standards through state and federal legislation. Comprehensive advances have been made in state child labor legislation, the present trend being toward the prohibition of employment of children under sixteen in factories at any time, and in any employment during school hours. The Federal Fair Labor Standards Act of 1938 contains child labor provisions which in effect establish a basic minimum age of sixteen for employment of children in establishments producing goods for shipment in interstate commerce. A proposed amendment to the Constitution, which would give Congress power to establish minimum standards for all employment of children throughout the country, was submitted by Congress to the states in 1924. It has been ratified to date by twenty-eight states.²

In the field of private social work the expansion of foster care services to include boarding home care, and the general application of case work principles also re-

¹ Grace Abbott "Children's Code Commissions" *Social Work Year Book 1929*, New York, Russell Sage Foundation, p. 76

² Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Utah, Washington, West Virginia, Wisconsin and Wyoming.

sulted in increased emphasis on the value of the home as the most desirable place for rearing children. Subsidies to parents, housekeeper service as well as case work services were utilized. Efforts to preserve the home for the child were fortified by the extension of psychiatric services for children. Through habit, behavior or guidance clinics, operating either independently or by private support or as a part of a larger health or welfare service, the child guidance movement gave leadership and new methods. Increasingly there was recognition of the need and value of studying the child in relation to his environment and developing services to meet his particular situation. Unfortunately such services were limited largely to urban areas, although in a few instances statewide organizations were able to reach some rural children in need of services or care. The efforts of private and public organizations in rural areas were largely limited to the most acute situations involving children and frequently included little other than diagnostic service. The channels through which public responsibility was expressed and care provided were county commissioners of the poor, local officials, and juvenile courts, most of which were without adequate case work facilities.

Increasing awareness of the fundamental physical and social welfare needs of children on the part of courts and social agencies made the ten years which have elapsed since the 1930 White House Conference of particular interest. General acceptance of public responsibility for children characterized this decade more than any previous one. The experiences of the depression years proved the impossibility of dealing with the problems then created, or for the first time fully recognized, through private contributions and local effort. Recognition of need for measures to conserve and strengthen family life was nationwide. Federal and state govern-

ments have cooperated with local agencies in efforts to maintain and improve the conditions of home life through public health and welfare services.

We have heard much of personal, social, and economic security. We have placed great emphasis on the value and integrity of the individual and the family. It is distressing, therefore, to face the facts regarding the number of children in families having little or no economic opportunity. The conference, in pointing out that in 1939 between six and eight million children were in such families, says that "the number of families requiring economic aid is so great that the standards of assistance affect the standards of American living as a whole."¹ Public provision designed to rectify this includes extension of public aid to needy dependent children in their own homes (formerly known as mothers' pensions or mothers' aid). Before the Social Security Act was passed in 1935, approximately 280,000 children were receiving aid, largely through local units. More comprehensive programs were made possible by the act and at the end of 1939 forty states, the District of Columbia, and Hawaii were cooperating in a program in which about 728,000 children were receiving aid. Amendments to the act in 1939 made it possible to reach additional children and to provide more adequate benefits. Educational and work opportunities for youth are provided by other federal agencies.

New Services for Children

The expansion of the services described above is directly related to the work of juvenile courts, not only in the increased dependence of families upon public assistance and the increased possibility of personal and family maladjustments, but also in the wider range of public services

¹ "Children in a Democracy," general report adopted by the White House Conference on Children in a Democracy, January 19, 1940, p. 21.

and in some localities the more nearly adequate financial resources which have been made available. Especially is this true in the provision of the Social Security Act for federal funds to states to develop services to children in their own homes, particularly for those living in rural areas. Through grants for such services resources are being developed for dealing with the problems of physical and mental handicap, neglect, conduct, and school maladjustment, without reference to the economic status of the family. The importance of these grants lies not only in the fact that they provide services to a greater number of children but also that they offer a means of correlating the activities of other social agencies, including the juvenile court, with educational and health activities for the improvement of community services to children and of conditions affecting children. The newness of the program and its financial limitations have precluded all possibility of large-scale development. In spite of this, in approximately 470 rural counties, or almost one-fifth of the total number of rural counties in the United States, child welfare workers were paid in whole or in part from federal funds. At the present time cooperative programs are being carried on in all of the forty-eight states and in Hawaii, Puerto Rico, Alaska, and the District of Columbia. Thus a beginning is being made in the reduction of the inequalities of social services for children which now exist between rural and urban areas.

In the field of private social work the most important development in the past few years has been the continued and growing emphasis on conserving the child's own home as, for example, the extension by foster care agencies of assistance to families, and increasingly careful study of the situation before deciding to remove the child from his home. Some private agencies and institutions have examined their programs in relation to changing

needs and developments. The adaptation and reorganization of programs which have occurred have provided coordinated and more nearly adequate community programs, and have furthered satisfactory family life.

In this brief review of child welfare developments in the past quarter century I have tried to picture for you the framework in which juvenile courts have operated and to which they have deliberately or unconsciously, voluntarily or involuntarily, adapted and adjusted practices and procedures. I have tried to indicate that throughout this development certain trends are apparent. The growing awareness of the differences between individuals and of the need to consider the individual in relation to his particular setting is apparent. So, too, is the definite upward trend in the assumption by public agencies of extended and varied welfare activities. Judges and social service personnel of juvenile courts in urban areas were earlier and more directly affected by these developments than were their colleagues in courts serving rural areas. However, rural and urban courts alike are now finding it necessary to gear into the growing public welfare activities.

Alice Scott Nutt, in her article "Juvenile and Domestic Relations Courts" in the 1939 *Social Work Year Book*, says: "Underlying juvenile court legislation is the broad principle that the child who comes before the court is to be regarded as a ward of the state, that his individual welfare coincides with the well-being of the state, and that he is to be saved to the state rather than prosecuted by it." This basic concept of the function of the court (with the obvious implication of the importance of understanding the child and of individualized treatment), combined with the great volume of work and lack of public child welfare services, resulted in development, within the framework of the court, of facilities for study

and treatment of social and behavior problems of children. The absence of public agencies equipped to give case work services to children led to reliance upon the courts for protective services and for determining the care to be given dependent children. For instance, until the passage of the Social Security Act and the recent growth of aid to dependent children, the juvenile courts in many states were responsible for the administration of mothers' aid or mothers' pension laws. Similarly the courts assumed responsibility for support orders when no change of guardianship or lack of competency of the parents was involved. Juvenile courts also assumed responsibility for many so-called "informal" cases in which the need of adjudication by the court is not so apparent. It is estimated that approximately 200,000 children come to the attention of juvenile courts each year charged with delinquency. No complete data are available as to the number whose cases do not result in formal hearings. If these figures were available, several thousand more children would be included in the total of those coming to the attention of juvenile courts. In addition the courts are concerned with children who are in need of protection because of neglect, abuse, or exploitation by adults.

Court Function and Practices

In considering juvenile courts in the light of the White House Conference I assume your interest on two points: the function of the court, and its practices and relationships. The essentials of a community child welfare program as outlined by the 1940 White House Conference have direct implications on both these points. Briefly they are that in every county or other appropriate area there should be developed a comprehensive program of "social services to children whose home conditions or individual difficulties require special attention," and that

"the local public welfare department should be able to provide all essential social services to children, either directly or through utilizing the resources of other agencies." Attention is called to these two statements of the conference because they emphasize three essentials of a modern child welfare program: (1) local child welfare services available to the child in his own home and community (not only in some more or less remote agency or institution); (2) the availability of services for *all* children in need; and (3) public responsibility for the provision of such services.

The discussion of the section on social services of the White House Conference reaffirmed the growing recognition of the essential character of the court. The statement of its function, "to provide legal action based on social study with a view to social treatment in cases of delinquency requiring court action, and in cases involving adjudication of custody and guardianship or enforcement of responsibilities of adults toward children," suggests certain limitations of the court which have been widely discussed and which on first glance may appear to threaten the nature and extent of its services. It can be questioned if this is the case, at least to the degree which has been suggested. True it is that as local public welfare agencies become better equipped, juvenile courts will be relieved of some of the cases now coming to them. Children come to the attention of courts because the home, the school, and other agencies have failed to meet their needs. As services improve both in character and extent, greater selectivity will inevitably result. Social agencies will refer only those cases requiring judicial action, retaining for service in their own agencies those in which compulsory action is not needed. When this eventuality actually develops courts will find themselves relieved, as some already are, of a heavy burden of work.

Furthermore, the removal from the court to public welfare agencies of those cases which involve only the ordering of payment of funds for the care of children has occurred in many states. I am aware of the fact that this action has not met with the unanimous approval of the juvenile court judges. Apparently some courts are of the opinion that the payment of public funds for services should require judicial action and approval. This is not the case in other branches of public service where hospitals, schools, and other welfare and educational activities function within the designated realm of competency without judicial action, except in cases of controversy. This principle is increasingly applied to the field of child welfare.

Because the major portion of their work is with problems of delinquency, we have at times overlooked the other responsibilities which the court has for the protection of children. Problems involving guardianship and custody and enforcement of responsibilities of parents and other adults are of no less importance than are the problems of delinquency. In fact, because of their nature and the possible permanency of the effects of these decisions, they are of prime importance to the future of the child. These are judicial responsibilities which cannot be transferred to nonjudicial agencies. The basis of sound decisions in nonsupport cases, in the establishment of paternity, and in other situations in which the guardianship of children is involved is not merely correct interpretation of the law. A sound and adequate social investigation is imperative if protection is to be afforded the child.

The report of the White House Conference stresses this. It also insists that the legal action of juvenile courts in delinquency cases should be based on social study. It further recommends that when the jurisdiction over cases

involving establishment of paternity, support of children born out of wedlock, desertion, nonsupport of family, and legal separations involving the custody and guardianship of children is not placed in the juvenile court, social services "should be supplied either by the court having jurisdiction or through cooperative arrangements with the juvenile court or community welfare agencies." In larger cities and more populous areas juvenile courts will require specialized social services essential to their functioning within the social work programs, often complicated, of the community. The preoccupation of public social agencies with the problems of relief and public assistance and the volume of work have frequently retarded the development of specialized child welfare services. The increase in such activities, particularly in rural areas, is providing courts with social services closely related to other community activities for children. The recommendations of the White House Conference were predicated on the assumption that such services would be increasingly available to courts.

Participants in the conference recognized the importance of the court's judicial function and sought to improve and safeguard this service. They did not advocate the widespread use and expansion of the court and activities devoted primarily to the prevention of delinquency and to the so-called unofficial or informal cases. There are repeated evidences that juvenile courts are looking to community agencies for social services in such cases. Regret was expressed that circumstances made it necessary to use the legal authority of the court in the treatment of the problems of children.

Specialized Services

These comments do not necessarily indicate a lessening of confidence or interest in the juvenile court as a social

agency, but rather the need for greater clarity of thinking as to the types of cases in which the services of the juvenile court are essential. They indicate appreciation of the importance of the judicial function of the court and an unwillingness to utilize, in those situations not requiring judicial action and in which other public or private agencies can function with equal success, the limited social services usually available in courts. Finally, they indicate increasing recognition that the judicial character of the court places upon it certain limitations in treatment not found in the nonauthoritarian agencies, and that courts cannot provide the range of services which the widely varying problems of children require.

The development of community services provides both an opportunity and a challenge to the court. The problems of the children coming to the courts stem not from a single incident or from simple circumstances. They have their roots in personal and family maladjustment, in the insecurity incidental to broken homes and continued frustrations caused by economic dependency, and in political and environmental conditions. The needs of children can be met only as comprehensive community programs are organized to provide services which include material assistance, health, and social services, and as these services are brought into closer relationship to each other. The opportunity for the court lies in becoming a part of the social service program of its community, utilizing all available resources, and demanding the highest skill and integrity from the agencies with which it deals. It lies also in concentration and improvement of service for specific problems.

The challenge appears in recognizing that, as community agencies extend acceptance of cases not requiring court action, those cases coming to the court will include a higher proportion of serious and intricate problems

than was formerly the case. To an even greater extent the judge will require adequate legal training, knowledge of social conditions and of community services and their uses and limitations, and an understanding of the children whom he serves. The conference report recognizes that the success or failure of the court is in large measure due to the qualifications and personality of the judge, to a lesser extent to the social service staff with which the court is provided, and as is increasingly the case in less populous areas, to the public agency with which it has developed cooperative relations in its social service activities.

The White House Conference of 1940 reviewed the progress of the past thirty years and attempted to chart a course for the future, to point out those things which need to be done today and those which are for tomorrow's attention. In its discussion of juvenile courts one is made aware of the wide range of standards of services and practices within the juvenile court field. In the broad child welfare field also there is a variety of standards in practices, levels of development and areas of coverage. I trust that, in our doing of today's as well as tomorrow's task, we may look to both courts and community child welfare agencies for improved standards of service as well as for greater appreciation of the purposes of the organizations.

III FOLLOWING UP THE DELINQUENT CHILD



Release of the Child from the Institution

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ONE of the neglected subjects at conferences and one of the least explored fields in social work is that pertaining to continuity of treatment for young offenders. The National Conference of Social Work has dealt with child care mainly from the point of view of the care of dependent and neglected children. The emphasis has shifted from institutional to foster home placement, from mass treatment to individualization and psychiatric understanding of emotional needs, from philanthropic removal of children out of poverty-stricken homes to the principle and practice of aid to dependent children in their own homes with the help of government grants.

In the more progressive states social work with young offenders has followed closely upon the heels of general child care. The tendency in the more enlightened sections is to develop parent education, habit clinics, psychiatric clinics, visiting teacher systems, informal court procedure, the juvenile court at its best, probation with specially qualified personnel, institutional treatment as a last resort, case work within the training schools, and a genuine after-care program following release. Unfortunately, however, the disposition and treatment of delinquent children is still bedeviled in many places by a philosophy of punishment and retaliation, and by a penological vocabulary.

We still speak of sentencing children, of requiring them to serve time, and of paroling them like convicts from prisons. The term "parole" has become so identified with adult criminals and with inferior parole work that it is unsuitable to use for those released from training schools for young offenders. At the Whittier State School in California they have substituted the term "placement." Such other terms as "aftercare" and "license" are not generally accepted, probably because they are ambiguous and clumsy. Some institutions, notably the Sleighton Farm School for Girls in Pennsylvania, Long Lane Farm in Connecticut, and the New York State Training School for Boys, refer to the department which does this type of work as the social service department. Until we invent a more fitting word we may have to continue to use the term "parole."

One of the hopeful developments in this field was the formation in 1937 of the National Association of Training Schools by a group of prominent social workers who thereby transferred their affiliation from the American Prison Association to the National Conference of Social Work. As a result the staffs of these institutions benefit from the case work and group work meetings of the conference. Participation in these conferences with other social workers from a variety of agencies should act as a stimulating tonic upon the sluggish thinking of institutional staffs.

The National Probation Association centers its interest in the extra-institutional treatment of delinquents as well as in the prevention of delinquency. It has persistently fought for better personnel standards, for the extension of the probation system, and for an increase in the number and in the quality of the juvenile and the domestic relations courts. It has made many studies in communities all over the country and has influenced progressive legis-

lation. As the fundamental methods of supervision are the same whether the child is a school truant, an alleged offender brought before the court, a probationer, an institutional inmate, or a parolee, the Association is promoting standards and extension of parole as well as of probation. Probation and parole are practically identical as case work techniques. Conference programs have registered the growing interest in parole.

Case Work Problems in Parole

By case work we mean the carrying out of a plan which has been based upon the client's scientifically diagnosed needs. And how do we ascertain these needs? The fundamental methods are the same whether one is concerned with family case work, child care, probation, institutional treatment, or parole. We secure a social history, make observations of the home and the environment, subject the client to psychological tests where necessary, and provide psychiatric study where indicated. A plan is made on the basis of the total findings and an effort is made to carry out this plan with the cooperation of the client, of relatives, and of the community. How then does parole differ from probation? If, as Joanna Colcord says, probation is simply case work with the added "punch of the law" behind it, then parole is also case work with one punch of the law already administered and another punch held in reserve.

Margaretta Williamson says: "The probationer has been placed on probation because of certain promising and hopeful aspects of his case, while the parolee is often an individual with whom probation has failed and whose career in delinquency has gained momentum. Unlike the probation officer, the parole officer has to deal with a person who has been isolated from the free life of the community. A problem peculiar to parole therefore is

that of helping the parolee to readjust himself to the family circle and to the community. In the institution the individual has been subjected to routine. He has lived a life in which no initiative was required; he has not had to think for himself. Upon his release, bearing the stigma of a prison record, he must mingle again in a society in which he will suffer economic and social handicaps."¹ In other words, parole work involves more processes, more serious problems, more complications, more pitfalls, and therefore less likelihood of success.

The handicaps mentioned by Miss Williamson, although not so severe in the cases of young parolees who have been released from training schools as they are in the cases of ex-prisoners, are nevertheless of the same nature. Employers hesitate to engage parolees or they frequently take advantage of the fact that the boy or girl is on parole by requiring them to work exceptionally long hours at low wages and by threatening to have them returned to the institution if they make any complaints. School teachers, group workers, and the police are quick to find fault with and to accuse one who has been an inmate of a training school.

Then there is the psychological handicap of the child who imagines that everyone knows of his having been "over the water" at a "reform school." Many a boy has told me that he was not accepted by a prospective employer because that man knew he was on parole, when as a matter of fact it was impossible for the man to secure this information. In these cases the child has obviously been misled by his own feeling of inferiority and loss of status. Tragic results are reaped also from the policy of the federal government which forbids the enlistment in the CCC, the Army, the Navy, and the Marines of boys

¹ Margaretta Williamson *The Social Worker in the Prevention and Treatment of Delinquency* New York, Columbia University Press 1935, p. 4

on parole. When they are rejected they become bitter and say, "When there's a war they'll take us all right."

Let us state candidly that we must think of parole even under the best type of administration as a great misfortune which need not have come to pass in many cases. That is so because too many young offenders are committed to institutions; too few of them receive genuine case work treatment prior to their commitment. The probation service of the juvenile court has been too hurried or too unskilful; or probation has not been tried at all. Again and again we find that children in an institution could have been better treated in a foster home. Case work is essential but, as Alice Scott Nutt of the U. S. Children's Bureau informs us, "The juvenile court as it exists in most communities has never been and is not now a case work agency."¹

Treatment Boards

We have reached the point where we must give serious consideration to the general recommendation which has come from such eminent authorities as Drs. Healy and Bronner,² Sheldon Glueck,³ Herbert C. Parsons,⁴ and the American Law Institute,⁵ that treatment or disposition boards should be established after the judge has made his finding of guilt. Undoubtedly the average judge is a good student of the law but this does not make him a psychologist nor does it equip him to prescribe treatment for abnormal or illegal behavior. Unless our judges are appointed on the basis of their understanding of psychology,

¹ *Proceedings, National Conference of Social Work 1939*, p. 37

² William Healy and Augusta Bronner *New Light on Delinquency and Its Treatment* New Haven, Yale University Press 1936, p. 223

³ Sheldon Glueck *Crime and Justice* Boston, Little, Brown 1936, p. 225

⁴ Herbert C. Parsons *Juvenile Delinquency in Massachusetts as a Public Responsibility* Boston, Massachusetts Child Council 1939, p. 30 and 80

⁵ *Youth Correction Authority Act Official Draft*, Philadelphia, American Law Institute 1940

sociology, psychiatry, and social work, their legalistic background may readily act as an impediment to proper disposition of cases of those who have violated the law.¹ The treatment board is one answer to this dilemma. The Borstal system in England incorporates this idea in its organizational setup.

Another suggestion is the establishment of statewide children's bureaus for the study, treatment, placement, and supervision of children who for one reason or another have come to the attention of the public authorities. Such a bureau could include among other things departments for registration of foster homes; administration of the compulsory school attendance laws; the regulation of child labor; the supervision of dependent, neglected, and delinquent children and children with special handicaps, both in their own homes and in foster homes; psychological and psychiatric service; and a research department. In establishing such a statewide children's bureau Virginia has blazed a new trail toward the understanding and treatment of the whole child.

Parole Organization

It is beyond the scope of this discussion to describe and to evaluate the different types of parole organization, but in general there are two types, one operating from within the institution, the other from the outside working as a more or less separate organization. An example of the former is Sleighton Farm School for Girls which carries on its parole work through a social service department. At the State Home for Boys located in Jamesburg, New Jersey, we have the latter system. In New Jersey a central parole bureau functions for eight institutions including Jamesburg. In Massachusetts we have a more or less autonomous Division of Juvenile Training within the

¹ Herbert C. Parsons *Juvenile Delinquency in Massachusetts as a Public Responsibility* Boston, Massachusetts Child Council 1939, p. 35 and 194

State Department of Public Welfare. This division has five branches: the Industrial School for Girls at Lancaster, the Industrial School for Boys at Shirley, Lyman School for Boys at Westboro, the girls' parole branch, and the boys' parole branch. Each of these five sections works independently under the supervision of its own superintendent, but they are coordinated and harmonized by the executive secretary and the board of trustees of the division.

However, the most significant thing about organizational setup is not the kind of system used but the qualifications of the institution and the parole staffs. What counts most is the kind of personality, the culture, education, training, emotional maturity, and philosophy of the worker. Social workers with a fine character, sympathetic understanding, and an integrated personality will cooperate for the good of their clients regardless of the form of organization they represent.

Continuity of Care

If the child is committed to a training school how can we insure continuity of treatment? The parole officer might readily become interested in the prospective parolee even when his case comes to court prior to commitment. A parole officer should be an integral part of the community which he serves, aware of the persistent offenders currently on probation and available for consultation by school principals, other social workers and probation officers with reference to the possible commitment of a child to the institution with which he is associated. In this way the parole officer becomes a cooperating social worker, helps to prevent unnecessary commitments, encourages the commitment of those who need this type of treatment. By means of these contacts the parole officer also gains an early insight into the prospective parolee's delinquent

tendencies, habits, home conditions, and neighborhood relationships.

If the parole officer has not had any previous contact his work on a particular case begins as soon as the child is committed. He should have a sufficiently small case load, not over forty or fifty, so that he may be able to get a complete social history on all the cases originating within his district; secure foster homes; find suitable employment; visit children in the institutions and their families prior to parole; and above all supervise as intensively as necessary all those directly under his supervision.

In securing information for the social history the parole officer begins the treatment process. He starts by interpreting the institution and its program to the family, by influencing family attitudes, by placing himself between the institution and the family as the outside contact man. Similarly, in interviewing school teachers and principals, other social workers, the clergy, and employers for background information, he lays the basis for future cooperative efforts. The family may need material help, a redirection of its interests or a reorientation of its attitudes. Relatives, social workers, ministers and others may render valuable assistance. The family and the key people in the neighborhood should be contacted as often as is necessary by the parole officer prior to the child's release in order to make adjustments in the home where possible, and to effect a receptive home and community ready to meet the child's peculiar needs.

The parole officer should make frequent institution visits to cement a close relationship with the child and become to him the outside contact person who sees his family and his friends and represents the outside community which spells home and freedom to him. The parole worker has an opportunity to discuss with the child plans for the future and to explain parole requirements and their

significance. He should participate in case conferences at the institution; he can be particularly helpful on the basis of his intimate knowledge of home and neighborhood conditions in advising about the child's return and the practicality of recommendations made by the institution staff. For example, he should be able to gauge the likelihood of a particular type of job for the child or the feasibility of special schooling; he should also know suitable recreational opportunities which are available back home. Home visits for vacation periods may be arranged by the parole officer. This temporary release serves as a test, especially around holiday time, the most strategic period for family solidarity.

The parole officer contributes vital information for use in the treatment program within the institution. The institution case record also includes reports of interviews between the child and the various members of the staff, the results of psychological and school achievement tests, and the findings and interpretation of the psychiatrist. But neither the information secured within the institution nor that obtained by outside investigation is sufficient by itself for purposes of treatment. One is the complement of the other. It would be pointless, for example, to make elaborate preparations for the boy's schooling following his release if it is found at the training school that he hasn't the intelligence or the proper attitude to follow through the suggested course of study. Nor would it do to secure employment at a trade requiring some manual skill if tests given at the institution indicate that the child has little manual ability. By the same token it would be wasteful to provide special training within the institution in an occupation or trade which those on the outside know in advance would not be available for the boy or girl in the community.

The closest possible relation between the institution

staff and the parole staff is essential. Petty jealousies, clash of personalities and serious differences of opinion must be avoided if we are to develop teamwork.

Returning Home

The most active phase of the parole officer's job begins a short while before the child is to be released. The home must be prepared for his return. No matter how bad that home is, it is his home, he is loyal to it, and he may be determined not to accept another, to rebel, and to run away. We are prone to overestimate the influence of a bad home and neighborhood in comparison with its inner resources and values.

A striking example of a boy who turned out well in spite of our dire predictions is young Johnnie Johnson, of borderline intelligence, the oldest of four children of an unmarried mother brought up and still living in extreme poverty in the slums of Boston. Johnnie was committed to our training school for younger boys as a result of several episodes of stealing. We were unable to secure a suitable foster home for him because of his many handicaps. Therefore he was returned to his own home. He attended a special class in school where he was well liked and considered to be a good-natured, obedient and dependable youngster. He had little respect for his mother but gradually, under constant supervision, reached the point where he became fairly considerate and interested in his home and family. He could not secure regular work but did find odd jobs, brought home most of his earnings, and considered himself quite wealthy with a few small coins jingling in his pockets. He spent some of his time in idleness on the streets and was unable to adjust in any of the local settlement houses. Between his seventeenth and twenty-first year when he was automatically discharged from our supervision, he kept out of further

trouble. What were those inner resources which served him so well? We do not know enough about the psychological mechanisms and the mental content which influence behavior. We may say with the Gluecks that "the physical and mental changes that comprise the natural process of maturation offer the chief explanation of this improvement in conduct with the passing of the years."¹ But the Gluecks also refer to the possibility of "hastening the maturation process." It seems possible to do so by wholesome education, redirection of energy, and case work both within the institution and outside. Johnnie acquired an intensely absorbing hobby while he was at the training school, cutting out poems, substituting some words of his own, copying them, and pasting the results of his hard work in a scrapbook. He spent several hours a day at this hobby, time which he might have spent on the streets getting into trouble.

Removing a child from his own home and forbidding his return is like a major operation, not to be attempted without taking many factors into consideration, particularly if the child is loyal to his home. Many children have surprised us by turning out well after they were returned to undesirable home conditions and bad neighborhoods. Whether it was the training at the institution, the new interests they acquired there, the influence of outstanding personalities, the supervision by parole officers, a mature growth in their attitudes, or a combination of these factors, we are unable to say. We have much to learn and we certainly cannot afford to be dogmatic at this early stage of study and experimentation in the treatment of delinquency.

If the child has no home or if it is considered best after mature consideration not to return him to his home, then

¹ Sheldon and Eleanor Glueck *Juvenile Delinquents Grown Up* New York, Commonwealth Fund 1940, p. 265

a relative, a friend, or a foster parent must be found. The process of home finding is a difficult and skilful job in itself. The chosen home must as nearly as possible meet the needs of the child as to its health, emotional, religious, educational, vocational, and recreational aspects. Wage homes where the child is employed as a mother's helper or as a farm hand, for example, must not be selected on the basis of the child's need to earn his own living rather than on the basis of consideration for his emotional and recreational needs.

The child and his family must be persuaded to accept the idea of placement. Adjustments are needed from time to time within the foster home, sometimes a change of home.

Case work with the parolee who has been permitted to go to his own home should be considerably easier and more successful because the parole officer has paved the way by means of his many previous contacts with the home, with the neighborhood resources, and with the child in the institution prior to his release. Interviews with the child and with his family must be very frequent immediately following his release, every day for several days in some instances and at least once a week in others. Of course the elements of distance and case load may prove to be insurmountable obstacles, but the ultimate cost to the community in human suffering and in the depredations and destruction resulting from inadequate supervision of parolees is a potent argument for reasonable case loads and intelligent administration of parole. In an urban community a parole officer with a small case load should ordinarily have no difficulty in seeing some of his clients daily, others weekly, and the rest at periods of frequency depending upon the needs of the individual cases. The current policy of requiring parolees to "report" at stated intervals is often a necessary evil because of large case

loads and great distances. Genuine case work demands that the client should be seen whenever he needs to be seen, not at stated intervals, and certainly reporting by mail should be used only in extreme cases.

Training School Practices

Massachusetts is reported to be the first state to appropriate public funds for a reform school, the one for boys at Westboro in 1846, later known as the Lyman School for Boys. In 1869 the Massachusetts legislature authorized the placement of children from this school. Since that time it has placed and supervised children in various types of foster homes. It has several outstanding features in its program. When a boy enters the school he is given an orientation course during the first three weeks while he becomes acquainted with his surroundings through observation or work in all the occupations in which the boys participate. During this time his attitudes are checked by a well qualified staff member. Newly admitted boys are interviewed both individually and in small groups to discuss how and why they were sent to the school, the purpose of the institution, the program, and how they may secure the most help from their stay. A modified social history is prepared by the parole visitor during the first few weeks, then a classification conference is held. The program arranged for the boy is based upon his particular needs rather than upon the institution's maintenance requirements. A separate cottage with a small farm attached is located at Berlin, eight miles from the main institution, for the training of a limited group of the younger and more hopeful boys. Another separate group is situated about half a mile away from the rest of the buildings at the main institution. This cottage houses the unstable, the psychopathic, and some of the feeble-minded who carry on practically all their activities by

themselves under a simple regime without the pressure to which they would be subjected if they were part of the larger group.

Vocational training is conducted entirely on a production basis, that is, the boy gains satisfaction out of producing something of value as a finished product. Much of the printing for the State Department of Public Welfare is done in the Lyman School print shop by boys who are learning the trade. The recreational program is extensive. Every boy is taught how to swim in the modern swimming pool. On the school grounds at Berlin a Boy Scout camp is held during the summer months. The boys are taught to respect Scouts, not to regard them as "sissies." When a boy leaves who has been a Scout in the institution, his Scout record is transferred to the city or town to which he is released. Efforts are made to have him join the local troop.

The New York State Training School for Boys (near Warwick) publishes a booklet entitled *Organization for Treatment* in which its superintendent, Dr. Herbert D. Williams, says: "We believe that by a careful study of the causes of his behavior and an intelligent application of the resources of the institution to his individual needs, a child may be led to acquire better social attitudes. No single approach can be adequate. Religion, education, psychiatry, medicine, social service, and habit training must all combine. Here it is proposed to maintain a school where mere custody and routine institutional treatment are strictly subordinated to a careful study of the effects of various methods of treatment." The social service department conducts weekly meetings to which representatives of various social agencies in the community are invited so that the parole workers may come to understand the work of those agencies. The social worker begins his study of the boy and his family shortly

after he arrives and then submits a social history. The worker spends three to four days a month at the school where he becomes acquainted with each boy assigned to him, reads records, and consults with other members of the staff who are in daily contact with the child. From time to time he visits the family while the boy is in the institution, calling at the home more frequently just prior to the boy's release. During parole it is the responsibility of the case worker to keep informed on all phases of the boy's life, including his home, school, job, church and recreation, in order that he may encourage all worthwhile developments and head off dangerous tendencies. The case is closely watched until it seems certain that the placement and conduct of the boy are satisfactory. Supervision is then somewhat relaxed although never completely discontinued until the boy is discharged from parole. When difficulties arise the contacts are once again made more intensive until the situation is readjusted.

Boys are permitted to visit their homes and regard these visits as a test. Another unique practice at Warwick is the distribution of a *Handbook for Students* among the inmates. Chapter X of this booklet, entitled "Going Home," is undoubtedly the one in which they show most interest. In it they are told, "Soon after you get here you are assigned to a social worker who will be your parole officer. He will try to see you as soon as he can at the school. He will also see your parents and friends at their homes. He is your friend who keeps in touch with both you and your people. Take up with him anything that worries you or bothers you about home. You may also tell him about your troubles here. He is the man to whom you can talk about your future. He will keep in touch with you after you go home."

Schools for Girls

The social service department of the Sleighton Farm School for Girls in Pennsylvania has five full time case workers, each of whom has a case load of fifty girls on parole in addition to those who are still at the school. Three of the case workers live in the institution. The case workers become acquainted with the girls on the grounds, make complete social histories, and work with the girl and with the institution staff until she is ready for release. The usual length of stay is two to two and one-half years. Frequent case conferences are held at the school to make plans for psychiatric service, for vacations at home, and for the girl's return to the community when she has completed her course of training. The case workers participate in all phases of the girl's adjustment both at the institution and in the community which relate in any way to social service. They cooperate closely with local probation officers, social workers, and others.

In the girls' parole branch of the Massachusetts training schools we too have an average case load of about fifty girls under the supervision of each of nine visitors. The staff includes also a home finder, an investigator of new cases, one worker to supervise girls who attend public school, and a medical social worker who takes charge of all cases involving hospital treatment. The visitors in this department have been selected from two civil service lists.

At Long Lane Farm in Connecticut the superintendent and four of the five social workers reside at the institution. The social worker usually makes her own home investigations, finds her own foster homes, and supervises those girls in her district whom she has come to know in the school until they reach their twenty-first birthday. Supervision tapers off so that there may be a gradual release from parole. The home is visited soon after the

commitment in order to make a friendly contact with the family, to interpret the institution's program, and to enlist the family's cooperation in planning for the child's future. Weekend holiday visits are allowed periodically if home conditions are suitable. The girl's own ambitions and abilities as well as the recommendations of the psychologist, the psychiatrist, the physician, the educational director, are taken into consideration in making plans for placement on release. Employers and prospective employers are invited to the school for get-togethers. They see the school, consult with the staff, and discuss the girls' problems.

One of the special features of the New Jersey State Home for Boys is the parole preparation class held monthly for the instruction of boys listed for consideration. Here they are taught the meaning of parole and its obligations; the nature of the parole officer-parolee relationship. Frequency of reporting by parolees varies according to the case. Those who have made a good adjustment need report no more than once a year and are given a "conditional release." At Jamesburg "parole is in the minds of the institution authorities from the moment the offender enters."¹ After the classification meeting held to consider a boy's release, the first matter determined is the readiness of the boy for parole; second, the suitability of return to his own home; third, some other placement; fourth, continuation in school or a plan to help him make an adjustment in the community to which he is going. When the committee reaches a decision the boy is called in and told in a friendly manner what plan has been made for him and why. If he is to be released on parole he is introduced to the parole officer who arranges for a conference to discuss the plan with him in more detail. The boy is given a little pamphlet

¹ A. C. Bowler and R. S. Bloodgood *Institutional Treatment of Delinquent Boys, Part I* U. S. Children's Bureau, Publication No. 228, 1935 p. 126

which outlines and explains just what is expected of him. An effort is made to keep case loads down to those of the better family case work agencies.

At the Whittier State School in California a pre-parole training class is also conducted to prepare the boy for problems which he will face in the community. A placement breakfast is held before the boy leaves; he is given a genuine farewell party in the presence of distinguished guests. While the boy is under supervision he is graded just as he was while living in the institution. Close contacts are maintained with coordinating councils in the various communities to which the boys are paroled.

The Borstal institutions in England are nine in number and are designed for boys from sixteen to twenty-three years of age at the time of commitment. They are sent directly to what they call the collecting center where they are studied and classified. On the basis of the findings at this center the boys are allocated to the Borstal institutions which most nearly meet their particular needs.

The Borstal Association is a private organization recognized by the Prison Commission which receives ninety per cent of its funds from the government. It is the parole organization for the Borstal system. The director is present at the classification meetings and he meets the boy at the collecting center. Each Borstal institution is visited once a month by a representative of the association who is called an associate. Any boy may see this man by telling his housemaster in advance. The associate may interview the boy's family, his employer, or any outside official, or he may enlist the assistance of one of the social workers at the allocation center to help in the solution of the boy's extra-institutional problems. Three months before his discharge the boy is notified of the date of his release. At this time an associate is assigned to visit him and to make definite plans with him

for his adjustment on release. One month before his discharge the boy receives the clothing, made to fit properly, which he is to wear on the outside. He may wear it also on Sundays and on trips away from the institution. After release he is seen daily until he is placed at work, after that he is seen every two weeks. Any Borstal boy on parole or discharged from parole may, when stranded, go to any police station and be cared for there until the association sends directions.

In all large cities a voluntary Borstal committee arranges for unofficial assistance to parolees. In the smaller towns the association ties the boy up with someone whom we should call a Big Brother. The Borstal Association has a full time paid staff only in London and in Liverpool. Elsewhere the officials are probation officers, ministers, physicians, educators, and former army men. The director of the London office personally reviews the cases of all parolees in his area once a week. There is a close and harmonious relationship between the housemasters in the Borstals and the association staff who have either been employed at one of the institutions or at least have visited them frequently. The housemasters reciprocate by spending three to four days annually at the association office and by visiting some of the boys in their own homes.

What then are the essential elements for good case work both within the institution and after release?

- 1 First and foremost we need a temperamentally fitted, emotionally balanced, mature, sympathetic, cultured, technically trained, and decently paid staff.
- 2 A reasonable case load must be maintained.
- 3 Within the institution some form of self-government is needed to encourage the children to become cooperative members of the institutional commu-

nity and to prepare them to become useful citizens following their release.

- 4 Within the institution methods of classification and treatment should be based upon as complete knowledge as possible of the child, his home, and his environment.
- 5 A sufficiently ample maintenance staff should be provided at the training school so that children may not be used unnecessarily for purely maintenance work at times when their particular needs require that they be provided with education, vocational training, recreation, and opportunity for developing hobbies and new interests of a wholesome nature.
- 6 The training school through its parole officers as well as through members of its immediate staff should have constant cordial relationships with the community in order to interpret the work which it is doing and to enlist the community's cooperation.
- 7 The parole staff must work in close harmony with the institution by attending case conferences and classification meetings, by conferring with members of the institution staff, and by consulting the records at the school.
- 8 The parole officer must come to know the prospective parolee and must have worked out with him plans for his adjustment outside.
- 9 The parole officer must have a thorough understanding of the family, its assets, its liabilities, its pressing problems, and the pertinent factors in the immediate neighborhood.

- 10 The parole officer should attempt to prepare the home and the neighborhood for the child's homecoming.
- 11 A system of gradual release from the institution by means of vacation periods and by other methods is very desirable.
- 12 If it is necessary to place the child in a foster home one should be found which meets the particular needs of the child.
- 13 While on parole the child should be seen as frequently as his particular situation demands, practically every day at first, with a gradual tapering off until he is ready for discharge. Whenever a situation arises which makes it necessary, contacts should be increased.
- 14 A goal not merely of automatic discharge at twenty-one years of age, but honorable discharge prior to that time for exceptionally good behavior and for cooperation with the parole department is very effective.
- 15 A case record system which gives a complete social history, a summary of medical, psychological, and psychiatric findings, and a record of the child's behavior, vocational training, academic education, interests, and hobbies while in the institution is essential.
- 16 But above all no system or method will be effective no matter how well planned unless there is a well qualified parole personnel, selected not on the basis of politics, favoritism, special preference, race, or religion but on the basis of sympathetic understanding, intelligence, ability, education, specialized training and an integrated personality.

How Some Delinquents Turned Out

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WHAT happens to delinquent boys after they have appeared in juvenile court and have been handed over to some supervising agency? Do they settle down to a more acceptable form of behavior or do they continue to bother society? What proportion turn out to be social assets, and how many continue to be liabilities during adult years? Is the cost of rehabilitation justified by the results we are getting? These are moot questions which the public has a right to ask of agencies specializing in the treatment of delinquency.

There is a real possibility that many agencies cannot give satisfactory answers to the above questions. True, many of them have made followup studies, but so often these have been hurried and sketchy, and their validity often has been affected by a desire to justify the existence of the agency. Such surveys at best are poor substitutes for a more detached and planned type of study.

Dr. Healy, as far back as 1929 in his book *Reconstructing Behavior in Youth*, was cognizant of the need for a more scientific approach. He said:

We have consistently stressed the fact that a great deal of work which goes under the name of social service and is initiated by people of humane tendencies is continued mainly because of the momentum it has achieved rather than because it is thought that results are being accomplished. Curiously little evaluation of achievement is typical of much of the social work now being carried on; many social agencies not of a critical turn of mind

show no apparent interest in the results of their labors. This seems to be particularly true of courts and other organizations dealing with problem children.

In Canada the public has been educated to think in terms of social service to the point that it is now asking questions about it. Add to this inquiring state of mind the fact that we are at war and need to conserve our efforts for major needs. As a result we find public support tends to be concentrated at the points where efforts are most fruitful of results. The war is bringing to a head a growing demand for social agencies to evaluate and prove their worth. Unnecessary organizations and functions within organizations are being regarded as social luxuries and as not worthy of public support. So because of an increasing demand for a tangible statement regarding the results of effort, social agencies are beginning to go through a period of self-analysis. They are asking themselves the question, "Do our results really justify our existence?" Needless to say, this is a healthy, realistic frame of mind and assures a more dynamic future for social work in Canada.

A Followup Experiment in Toronto

In December 1938 a followup study was made of a group of 172 juvenile delinquents in Toronto. These boys had been placed under the supervision of the Big Brother Movement by the Toronto Juvenile Court in 1932. They represented a fair cross-section of the boys appearing before the court in that year. There were first offenders and recidivists, truants as well as those appearing for theft and other serious delinquencies. To clarify the position of the Big Brother Movement in the picture it should be pointed out that in Toronto the juvenile court, besides providing a probationary service, makes use of the existing community resources. The Big

Brother Movement, a recognized social agency staffed with university graduates who have a wide background in the social sciences, operates according to accepted case work standards and has been freely used by the court. These 172 delinquents were carried under its supervision for a period of time and were then discharged. Six years after their appearance in court in 1932 they were again located and either the boys themselves or close relatives were interviewed. Some of these lads had become fine, upright, successful young business men. A few had married and had small families. Some had grown bitter and hopeless in their continued unemployment. Still others had gone the hard, sterile way of jail, reformatory or penitentiary. The purpose of this followup study was to see how these lads had turned out and whether the measure of personal success or failure they had achieved could in any way be associated with our earlier supervision. In other words, we wanted to see if later success could be used as a measuring stick for the effectiveness of our case work with these lads. At the same time we hoped to find some new light on the factors in personality and environment which are associated with successful personal adjustment.

We started from the case studies which were in the files of the Big Brother Movement. These gave a running story of the contact of the social worker with the boy during his period of supervision. They were compiled by men trained in the art of recording case histories and gave a clear picture of changes in the attitudes of the boys. At the end of each record a progress summary was recorded in which was indicated an appraisal of the supervisory period made by the social worker himself.

Using the information contained in these records, we next located the boys. In most instances our contact had been closed for three or more years, but through the co-

operation of an extremely efficient social service index and the help of relatives, friends, police stations, neighborhood post offices and the daily police court news it was possible to find the whereabouts of 161 or 94 per cent of the 172 boys.

Having located them we had next to plan our strategy for getting the information we wanted. A simple investigation sheet was drawn up, designed to give as complete a picture as possible of the boy's present status. It put special emphasis upon certain factors which seemed pertinent in evaluating success or failure. These factors were itemized under the general headings of home, employment, education, social adjustment, further delinquency—juvenile or adult.

Knowing the type of information required we began to secure these data. Difficulty was encountered here. The interview had to be conditioned by the situation in which it was held. For example, it was not found possible to have many of the boys come to the investigation office. We had to go to the boy and we interviewed him where we found him. It must be realized that it was six years since many of these lads had appeared in juvenile court. Many of them were now making good and did not want to be reminded of their past. Some of them, along with their parents, remembered the court with bitterness and resented questioning of even the simplest type. Still others had gone on in criminal activity and for obvious reasons were reticent about giving any information concerning themselves.

Because of such obstacles interviewing took on the appearance of casual but directed conversation. Immediately following the interview the investigation form was filled out in full. Besides this, wherever the interviewer discovered supplementary information which might have bearing upon the boy's status, this also was recorded. In

securing the information on these 161 boys, 91 or 56.5 per cent of those interviewed were the boys themselves, 56 or 34.8 per cent were the parents, the remaining 14, 8.7 per cent, were close relatives or friends. Most of the interviews took place in the home although in some instances the boy was seen at his place of employment, at school, in jail, or in the investigation office.

To give as comprehensive a picture as possible of the boy's behavior following release from supervision, a search was next made of the files of the juvenile court and of the police department.

Evaluation by Collaboration

When all the above data were gathered together from the records of the Big Brother Movement, the juvenile court and the police department, along with the information given in the personal interviews, we proceeded to study, analyze and classify. This was a most important part of our study. To lessen the margin of error and the fallibility which accompanies human judgment, a group of three persons was selected to review the data. It was Bennet Mead who said to this conference back in 1937:¹

The task of evaluation will require effective collaboration between a number of professional groups, including experts in vocational guidance and education, psychologists, psychiatrists, doctors, prison and probation administrators, as well as experts in social research.

We were not able to get such a representative group of evaluators but we did get a psychiatrist, a psychologist and a social worker. The psychiatrist was particularly qualified to interpret the data because of his experience in directing a large juvenile court clinic. The psychologist

¹ Bennet Mead "Is There a Measure of Probation Success?" *Coping with Crime* Yearbook National Probation Association 1937, p. 135

was qualified because of his position as director of a social agency dealing with boys who get into difficulty. The social worker had an academic background in both Canada and the United States and several years of practical experience in treating juvenile delinquency.

The purpose of this collaboration was to classify the 161 boys according to the type of adjustment they had made. They were to be placed in three categories—successes, partial successes, and failures. We realized that these were arbitrary classifications and kept in mind continually that success or failure is relative and variable. Other researches have used recidivism as the best indication of failure. However, our group of three evaluators decided that other factors were also important and should be taken into consideration. With this in mind the following criteria of success and failure were set up for use in our study. It was decided that the most significant marks of failure would be: a juvenile court record continuing over a period of years, especially when followed by appearances in an adult court; incarceration in a correctional institution; no concerted attempt to secure employment; inability to hold a job due to ineffectiveness; keeping company with a gang; no adjustment into organized social activities (club, Sunday school, church, etc.).

Contrasted with this negative picture the most significant marks of success were regarded as: the absence of a prolonged juvenile court record; absence of an adult court record; attempts to find employment; industry and ambition in work secured; effort put forward to continue schooling; participation in organized social activities in place of membership in a gang.

The three evaluators soon found out that success or failure must be judged not by one or two of these factors, but by an integration and balancing of factors into a general impression.

Let us see the evaluators at work on the case of Jim. Before them lay all the factual information available on Jim's present status. It was studied by each member of the group and revealed the following facts about Jim:

- 1 Age twenty-one years, eleven months.
- 2 No I. Q. rating available but lad appears to be of average intelligence.
- 3 *Home* Living in the parental home with his wife. His father is dead. Jim is keeping his mother and his wife. The home is situated in a bad district but the tone of the home itself is good.
- 4 *Education* One year's standing in a technical school at age seventeen.
- 5 *Employment* Has been working at a steel factory for three years. Earns \$14 per week. A steady worker, ambitious for advancement in this factory.
- 6 *Conduct* Appeared in juvenile court four times after he was placed under Big Brother supervision. However, he is not known to the police department for adult crime. He says himself that he has settled down.
- 7 *Associates* Has broken off with the old gang with whom he got into juvenile court. He is now actively interested in club work and is president of a large local young men's club. Is also a member of hockey and rugby teams.

In the discussion of this lad's case it was noted that he was well adjusted socially because he had assumed responsibility for the upkeep of a home, a wife and a parent; he was doing well at his job and had a sound attitude towards it; he had had no further delinquency in six years. Although he had no church connection he had healthy social outlets and had broken off from the old gang. The consensus of opinion was that this boy should be classified as a success.

Proceeding in this way the evaluators broke down the 161 boys into three groups. One hundred and fifteen or 71.5 per cent were classed as successes, 25 or 15.5 per cent as partial successes and 21 or 13 per cent as failures.

This concludes the description of the method which

we followed. It was found to be both simple and practical. Any agency could similarly take a sample of its closed cases, trace down these old contacts, gather up-to-date information regarding them and elect a board of judges to classify them according to some accepted criteria of success or failure. Inadequate as such a procedure might be, at least it would be a first step away from the laissez faire methods of many of our agencies and an advance toward adopting a more critical and healthier attitude toward our work.

Better still would be a five year program set up within an organization to watch and evaluate its case work as the records were actually being built. Progress reports and judgments of success at various intervals during (and following) supervision would throw new light on our case work techniques. However, such ratings should be made according to accepted scientific procedure. They would indicate the improvement made within the individual in "specific traits of personality and specific phases of conduct." Mr. Mead, your own statistician of the U. S. Department of Justice, has much to offer in this regard.

Factors Related to Success or Failure

Our next step was to make a comparative study of the three groups of boys in order to throw more light on the meaning of their success and failure.

Four factors were found to be most frequently associated with a successful personal and social adjustment. First, our data indicated that boys who continued at school for a longer period of time and participated in studies beyond entrance into grade 8 were more successful in later years. Of the successful lads 36.4 per cent went on to secondary schools, while not one of the failures got out of public school. Also of significance is the fact that 17.8 per cent of these successful boys con-

tinued at school after they had reached their sixteenth birthday, while a bare 9.5 per cent of the failures ventured on past the compulsory attendance age.

Second, the background of a good home was found to be associated with success. By a good home was meant one which was well organized, effective in its control and influence, grounded on good morals, showing a wise attitude to external authority, and harmony within its own structure. We found that 50.5 per cent of the successes came from homes which could be so described. On the other hand, only 20 per cent of the failures could claim such a fine background.

Third, participation in the organized social activities of the community was found to be a factor associated frequently with later success. Forty-five per cent of the successes at the time of the investigation were engaged in organized boys' or young men's activities. Less than 10 per cent of the failures found these organizations sufficiently exciting to meet their needs.

Fourth, it was found that if delinquent activity could be eradicated before the boy had passed his sixteenth birthday the prognosis for future success was much better. Ninety-five per cent of the successes had discontinued their antisocial behavior before they had turned sixteen years of age, and they never again appeared in court. In other words, only five per cent of the successful boys had been arraigned before an adult court. Contrast that figure with the 90.4 per cent of the failures who appeared before a police magistrate after they had reached their sixteenth birthday.

The following six factors were found to predominate in cases where the boy had failed to make a satisfactory adjustment. First, as implied above, an early discontinuance of schooling and a lack of training beyond public school were found to be associated with failure in later

years. Even the rudiments of a specific skill or interest developed early seemed to help prevent later personal or social maladjustment. Second, failures were found to have a background of a bad home more frequently, bad being used to indicate a home in which there was a vicious attitude toward law, order and morals, and one in which there was a disturbed and quarrelsome home tone. Sixty-five per cent of the failures and only 8.4 per cent of the successes were found in homes of this type.

Third, failure to adjust was found to be associated with highly industrialized or downtown areas especially where the incidence of delinquency was high. Sixty-five per cent of the failures compared with 28 per cent of the successes lived in these bad districts. Fourth, an association with a gang was found to be established in the case of 71.8 per cent of the failures while only 2.6 per cent of the successful lads were mixing with such companions. Our definition of gang was set up arbitrarily to take care of a situation which arose during our study. Boys were found associating with groups of lads who had bad reputations in their respective neighborhoods for loafing, spending time in an unconstructive manner, and in many cases actually engaging in delinquent activity. For want of a better name such unorganized groups were called gangs.

Fifth, later personal failure and an unchecked delinquent career continuing into adult life were found to be associated with one another. Ninety and four-tenths per cent of the failures had built up such a record for themselves in the adult police court and all of these served at least one term in jail. They each averaged 3.6 appearances in an adult court and 2.7 periods of incarceration of one type or another. Only 5.3 per cent of the successes were arraigned in an adult court and

only one of these lads was sentenced to jail.

Sixth, a final factor found to be associated with failure was the length of supervision. The failures required a longer period of supervision than did the successes. The average length of Big Brother supervision for failures was 25.6 months and for the successes only 21.7 months. A greater difference is seen in the length of adult supervision in cases of probation, reformatory or prison sentences. The six successful lads appearing in an adult court were placed under such supervision for periods averaging 18.5 months in length. On the other hand, 19 failures averaged 24.6 months of adult supervision. From this it would seem that a persistent need of a delinquent youth for supervision as an adult is definitely associated with early failure to adjust.

In this study we could not concern ourselves with the other aspects of supervision which contribute to success, such as quality and intensity of supervision, the cooperation of parents, or personal rapport between worker and boy. To get this more complete picture of the effect of supervision upon later adjustment, a knowledge of these factors is essential and they could be isolated for study in a five year plan such as that already mentioned above.

Finally, how did the judgments of the group of three compare with those made by the social workers at the time of the closing of the cases? One hundred and eleven or 68.3 per cent of these original judgments by the workers were substantiated by similar judgments made by the evaluators at the close of 1938. Only 12 or 7.4 per cent of the judgments were completely reversed. This would seem to indicate that adjustment at the end of supervision may be accepted as a fairly reliable prognosis of how the individual will get along on his own in later years.

IV THE YOUNG OFFENDER



Treatment of the Adolescent Offender

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ON May 17, 1940 at their annual meeting in Washington the members of the American Law Institute discussed, and after discussion adopted a model act entitled a Youth Correction Authority Act, creating a Youth Correction Authority, prescribing its powers and duties and providing for commitments thereto of convicted persons under twenty-one years of age at the time of their apprehension. The meeting was attended by leading judges and lawyers from all parts of the United States. The act is the result of more than two years work.

Before proceeding further let me say something about the Institute. It was organized in 1923. There are only two classes of members: official and life. The official members are the justices of the Supreme Court of the United States, the senior judges of the United States Courts of Appeals, the chief justices of the highest appellate courts of the several states, the deans of the law schools which are members of the Association of American Law Schools, the president and members of the board of governors of the American Bar Association, and the presidents of the state bar associations.

The number of life members is limited to 750. At the present time there are 713 members. Of course many of the official members are also life members. Life

membership is a distinct legal professional honor. There are no dues. The only condition attached to life membership is attendance at the annual meetings. Absence from two consecutive annual meetings automatically deprives the absentee of membership unless his absence is excused by the council of the Institute.

Perhaps this last provision and the fact that the traveling expenses to the annual meetings of the representatives of courts of last resort are paid, explain the large attendance, over 80 per cent of the membership, as well as the large attendance of judges occupying high judicial positions. There are other reasons, however. One I am quite certain is the fact that although the annual meetings occupy three days, apart from the reports of the officers there are no papers and only one address, that given at the first session by the Chief Justice of the United States. All the remainder of the meeting is occupied by discussion of the drafts of legal statements and model acts submitted by the council.

Each draft submitted, whether it is a statement of existing or proposed law, has been developed through the operation of the Institute's plan of work. It is the successful operation of this plan which accounts for the professional standing of the Institute and the interest of its members.

The operation of the plan involves: (1) the selection of a group of experts (I dislike the word, but I know of no better one) to present to the council of the Institute, a body of some 33 judges and lawyers, what is known as a final preliminary draft of the subject dealt with; (2) the consideration of such draft by the council, and as amended and approved, its submission to the annual meeting.

You ask what is novel in all that? In the bare plan as thus stated, nothing. Its novelty and the success of its

operation lie in the fact that though the group of experts is nominally composed of what is known as a reporter and advisers, the final preliminary draft presented to the council is not the product of the work of the reporter, looked over, somewhat discussed, and approved by the advisers, but the result of slow and painstaking development of many prior drafts by group discussion at a series of conferences, each conference lasting from three to six days. The subjects we have dealt with of course vary in difficulty. One chapter in what is known as the Restatement of the Law was the subject of sixteen conferences extending over nearly four years.

The final preliminary draft of the Youth Correction Authority Act was the subject of fourteen conferences occupying forty-seven conference days from April 1938 to last January. Each member of the group devoted much more time than the number of conference days implies. The reporter, John B. Waite of the law faculty of the University of Michigan, has devoted nearly all his time, while the amount and character of crime, recidivism, etc. among youths and the results of an investigation of the English Borstal system were the subjects of reports by Dr. Thorsten Sellin and Dr. William Healy respectively. The group also obtained much valuable assistance from some 150 consultants, the majority of whom sent in written criticisms and constructive suggestions.

Advisory Committee

Nearly all the work previously done by the Institute has been of a character where the problems are wholly within what we may term the exclusive province of the legal profession. When, however, the council desired to ascertain what, if anything, the Institute usefully could do in the field of criminal justice—I use the term to cover both substantive law and its administration—they real-

ized that while members of the legal profession have a real contribution to make to the solution of the problems involved, they cannot of themselves reach satisfactory conclusions; they must not only have advice from but work with those trained in other disciplines. When therefore the council in the fall of 1937 created a committee to advise them in respect to work in the field of criminal justice, not only lawyers and judges with knowledge of the existing criminal law and its administration were appointed, but also sociologists, psychologists, doctors and persons of experience in the administration of penal institutions and reformatories.

It took only two or three meetings of this advisory group of some twenty persons to make a report containing recommendations in which they all united. They recommended that at present the most useful work in criminal justice which the Institute could undertake would be that portion of the field which relates to the sixteen to twenty year age group, from arrest to final release from any form of control. They further stated their unanimous opinion, that the work should be undertaken with the recognition of the principle that the primary object of the criminal law should be the protection of society, not the punishment of the criminal.

With the recommendations of their advisory committee and its postulate of the underlying object the members of the Institute's council were in full accord. They decided to undertake the work if and when the necessary funds were secured, as it was estimated that the cost of presenting to the council and the annual meeting a draft of an act or acts dealing with detention, trial, arrest and treatment of this youth group would be approximately \$32,000. The necessary funds were soon donated. The group which has developed the final preliminary draft of this act dealing with convicted youth, which was submitted

to the council, was composed of John B. Waite, reporter, Judge Curtis Bok, E. R. Cass, Sheldon Glueck, Leonard V. Harrison, Dr. William Healy, Edwin R. Keedy, Austin H. MacCormick, William E. Mikell, Thorsten Sellin, and Judge Joseph N. Ulman. This group also prepared the draft of an act creating a youth court for large urban centers. The recent annual meeting did not have time to sufficiently discuss this act. They therefore returned it to the council of the Institute, the reporter and advisers for further consideration. In its present or revised form it will be before the meeting next May.

As the person charged with the duty of presiding at each of the conferences of the group, I never discovered any difference of opinion among the members on legal and non-legal lines. Furthermore, from the beginning they were all of the opinion that the system of release under supervision which we speak of as probation and parole was the proper reclamation treatment for a large proportion of convicted youths.

Of the two model acts, one completed and one still under consideration, the completed act creating a Youth Correction Authority is by far the more important. It deals with the treatment of convicted youths. It is statewide in its proposed application.

Provisions of the Act

Underlying the provisions of the Youth Correction Authority Act are two beliefs:

- (1) That the treatment of a convicted youth should depend on his character rather than on the character of the violation of law of which he has been convicted; and (2) that one agency rather than several should control the convicted youth; that is, control the investigation of his character, the treatment which he should at first receive, the changes in the treatment which from time to time should be made, and the time when he should be discharged.

The act creates a Youth Correction Authority whose function is to provide and administer corrective and preventive training and treatment for persons committed to it.

I shall not here describe in detail the provisions of the act which relate to the number and qualifications of the members of the Authority, their appointment and terms of office. Not that I believe these details are unimportant. In any state adopting the act its success will in great part depend on the character and ability of the members of the Authority and the practicability of its organization in view of the functions which it will be required to perform. But I am fully convinced that the size and population of a state and other local factors affect the proper number of the Authority and the degree to which the members should leave to others the consideration of individual cases and confine themselves to their policy-making functions and supervisory duties.

The provisions of sections 5 to 10¹ of the act, which relate to the number, appointment, etc. of the members of the Authority, are those which it is believed are probably best adapted to existing conditions in the majority of our states. Perhaps more illuminating than the detailed provisions of these sections is the comment which accompanies section 8 relating to the qualifications of the members. This comment points out that as a whole the Authority should as far as possible represent legal and administrative ability, educational experience in the study of youthful offenders and in the planning of correctional training and treatment for such offenders.

Part 1 of section 11 is, I think, the sole novel provision of the act in the sense that its counterpart cannot be found in existing legislation. It is provided that no one can be committed to the Authority until "the Author-

¹ Section references are to the *Official Draft* dated June 22, 1940.

ity has certified in writing to the governor that it has approved or established places of preliminary detention and places for examination and study of persons committed, and has other facilities and personnel sufficient for the proper discharge of its duties and functions." The origin of this provision is a fear founded on unfortunate experience. A legislature is more often willing to create a new agency in response to public demand than it is to vote sufficient funds for its proper functioning. In many states where penal and other agencies for the treatment of convicted youths exist, the establishment of the Youth Correction Authority may not add greatly to the present cost of the administration of criminal justice; indeed, it may in a reasonable time reduce those costs. But in any case the efficient administration of the act will involve expenditures and it will be worse than useless to place on the Authority a load which its available funds will not enable it to carry with reasonable efficiency.

The Authority having certified that it is ready to receive those committed, all persons thereafter committed to it must have been convicted of a violation of law. The law violated, however, may be the law of the state or any political subdivision thereof, as a city ordinance. The convicted person must have been under twenty-one at the time of apprehension and he or she must have been convicted of a criminal offense. This excludes all youths dealt with in a juvenile court as juveniles. There is, however, a provision (section 16) that with the permission of the Authority a juvenile court judge who desires to commit a youth to the Authority may do so.

Within the sixteen to twenty-one age group there are classes of persons convicted of crime who cannot or may not be committed to the Authority. For instance, the judge cannot commit to the Authority those convicted of a crime carrying a mandatory sentence of death, or of

death or life imprisonment (section 13, 2,a). Again there are those convicted of a violation of law where the judge has the discretion to sentence to death or life imprisonment and he desires not to impose a death or life sentence (section 13, 2,f); under these conditions the judge must sentence to the Authority. On the other hand there are those who, if they were adults convicted of similar violations of law, could only be sentenced to a fine or to a fine or imprisonment for not more than thirty days (section 13, 2, h, j). In these cases the youth can be fined or perhaps committed to a place of confinement for a month or less. He cannot be committed to the Authority. In this connection, however, it should be pointed out that if the judge believes that the convicted person should be sent for a short period of not more than thirty days to a place of confinement, the place must have been approved by the Authority (section 13, 2, i). Therefore the place to which the youth can be sent will in practice rarely be the county jail.

In between the convicted murderer or rapist facing death or life imprisonment and the person guilty of some minor offense is the great body of convicted youths. These, where they have not been dealt with by the juvenile court, shall be committed to the Authority, unless the judge has the discretion to discharge them unconditionally or sentence them to a fine, and desires to exercise this discretion (section 13, 2, i). Under no circumstances may the judge commit to prison. If he has no discretion to discharge or fine, or having that discretion, does not wish to exercise it, he must commit to the Authority, and having done so, thereafter it is the Authority not the judge that may send the convicted youth to a place of confinement or place him on probation or prescribe some other form of treatment. It is the Authority, not the judge or independent parole authority, that will deter-

mine within the limitations presently to be referred to, the character of the treatment of the convicted youth and the time when he shall be released from all control. After the judge has committed a youth to the Authority he has no power to suspend the execution of the commitment.

A youth having been committed to the Authority, the first duty of the Authority is to examine him and make any investigation necessary to determine the treatment which he should at first receive. This treatment may vary from close confinement to probation. It may sometimes result in immediate discharge.

The Staff

To carry out its functions the Authority within the limits of its funds may employ and discharge sociologists, social workers, psychologists, parole officials, etc. (section 24). While the agents of the Authority may issue orders relating to the treatment of those committed to it, except an order for final discharge, the person affected by the order has a right to appeal to the Authority and no order shall remain in force for a longer period than two years. Although he may be examined as frequently as the Authority determines before the expiration of the two year period, he must then be reexamined and if he is to be retained longer than two years from the last preceding order, be made the subject of another order (section 28).

The act gives the Authority power, when the legislature votes funds for the purpose, to create and operate training and treatment agencies (section 27). But the drafters of the act do not contemplate that, with the possible exception of places of detention during examination immediately after the youth is sentenced to the Authority, any legislature when it adopts the act will provide more than a modicum of new agencies or institutions to

be operated by the Authority; indeed in many states it should not do so. The efficiency of existing agencies and institutions, public and private, in the state should first be determined by experience of the Authority with those youths who have been sent to them.

While it is obviously wise that existing institutions and other agencies should as far as practicable be utilized, it was, from the first of our conferences over the act, the unanimous opinion that existing public institutions and agencies should be operated as at present under their present managers (section 25, 2). Should the act be adopted, therefore, there will be no dual control of present managers and the Authority. If the public institution is one that must now receive those committed by a court, it must receive those youths which the Authority is desirous of sending to it (section 25, 3). But having been sent to an institution or a place under the control of an agency by the Authority, as long as the youth remains in the institution or under the agency its managers have full control over him. The youth may be withdrawn by the Authority, placed on parole or sent to another institution or agency, but his treatment within the institution or by the agency is a matter concerning which the Authority, though it may make suggestions, has no power to determine. Of course, as to private institutions or agencies the reception and treatment of a youth must be the subject of agreement between the Authority and the managers of the institution or agency (section 25, 1).

Release

When the Authority is convinced that the youth committed to it would be no longer a danger to the person or property of others, it will be the duty of the Authority to release him. Until they are convinced it will be their duty to retain him subject to those provisions of the act

limiting the duration of the Authority's control.

For the purpose of limiting the duration of the control of the Authority over a person committed to it, the act divides those who are committed into two classes: (1) those committed after conviction for minor crimes, the minor character of the crime being determined by the fact that unless the convicted persons had been previously convicted, the judge could not have sentenced them to the Authority; and (2) those convicted of the commission of more serious offenses as determined by the fact that on conviction the judge was obliged to commit them to the Authority (sections 29, 32).

Those falling in the first class, if not released before, must be released when they are twenty-one; or if committed when they are eighteen or over, at the expiration of three years, unless six months prior to the expiration of the period the Authority, deeming their return to society would endanger the person or property of others, makes an order for the continuation of control for a further period of two years and that order is confirmed by a court after public hearing (sections 32, 2, and 33).

Those falling under the second class, that is, those convicted of more serious offenses, must be released, if not released before, when they reach the age of twenty-five, unless the Authority six months before, believing that the safety of society would be endangered by such release, makes an order for their detention for a further period of five years, and that order is confirmed by the court after public hearing (sections 32, 1, and 33).

The orders just referred to may be repeated at the expiration of the two or five year periods indefinitely, subject as to each order to their approval by a court (section 35, 1). I should also add that at the court hearings the person convicted has a right to be represented by counsel and to compel by subpoena the presence of wit-

nesses (section 34). Furthermore, there is a right to appeal from the confirmation of the order by the court to a designated appellate court (section 36).

It will be seen from what I have just said that while commitment to the Authority is always in a sense an indeterminate sentence, the abuse of such a sentence by the Authority has been most carefully guarded against. Indeed the protection is more meticulous than that affecting any similar indefinite sentence with which I am familiar.

New Vision for Lawyers

So much for the main provisions of the act. There is a question which many of you may be wondering about. How is it, you may ask, that an association of leading judges and lawyers should suddenly take an interest in youth and crime, vitally important though these problems unquestionably are; or taking an interest, how is it that a profession, the members of which have the reputation of being addicted to looking down their noses at psychiatrists, sociologists and social workers, now seek to work with the members of these "lesser breeds without the law"? The very form of the question which I have heard more than once in the past two years shows that even lawyers are capable of widening their horizons. The question assumes things about lawyers which were perhaps largely true forty years ago but are not true today. Bar associations have become increasingly aware that they exist for something more than protecting their professional privileges and protesting the unconstitutionality of this or that. The leading bar associations, to take a prominent example the American Bar Association, have become conscious that the public rightly demands from them active concern in the improvement of the law and its administration. The very existence of the Ameri-

can Law Institute, originating from the united effort of the leading judges and lawyers of the country and founded for the sole purpose of carrying on constructive scientific legal work, is testimony to this awakening realization of public duty.

Neither is it strange that an association formed by the foremost members of the profession should in this instance recognize that other persons besides lawyers have contributions to make to the solution of the problems presented by the defects in our criminal justice. Only persons of limited knowledge and experience look down their noses at able men of other professions. This statement applies to economists, sociologists and those who devote their lives to work in probation and parole as well as to the members of the legal profession. I was told several years ago that I would not be able to get lawyers and leading members of the social sciences to work together in harmony. I thought at the time that the information was so much ignorant twaddle and my experience in this work in criminal justice proves that I was right. As I have already told you, from the very first and throughout the work on these acts there has never been any cleavage between the lawyers and the non-lawyers in the group of experts. Honest differences of opinion there were, but the cleavage never ran along professional lines and full discussion ironed out 99 per cent of them.

It is a significant and heartening thing to realize the awakening interest of the lawyer in the crime problem, and irrespective of the details of this Youth Correction Authority Act, the intelligent way in which that interest is being manifested. The prospective acts are not the result of an emotional reaction, but of two years of careful investigation and discussion.

Comment

CHARLES L. CHUTE

Executive Director, National Probation Association

UNTIL we heard Dr. Lewis's clear and full explanation of the plan of the American Law Institute for the improved social-corrective treatment of young offenders, few of our members had any idea of the details of the plan. It is now before you and my function is to attempt to clarify the issues and suggest questions which we must face and consider.

In the discussions I have had with members of our profession, with judges and social workers, there has been general approval of the underlying purposes and objectives of the proposed act. I am sure that we should be encouraged that the influential American Law Institute, which represents the advanced thinking of the legal profession of the entire country, has now joined us in the campaign which our organization has been waging for thirty-four years to socialize the treatment of youth and to get away from old punitive and retributive theories of justice. Many times it has been said in our conventions that we should extend the principles embodied in the juvenile court as far as possible to adult offenders, especially to those just above the juvenile court age. This is one of the purposes of this proposal. As such it is in line with our efforts to extend the jurisdiction of the juvenile court, to create domestic relations and wayward minor courts and to develop adult probation in every state. It also is in line with efforts to develop more truly reformatory institutions for youth and to secure effective parole systems.

I attended the all day meeting of the American Law Institute in Washington on May sixteenth and was surprised at the almost unanimous approval of the general proposition that youthful offenders and perhaps all offenders should be carefully studied, given psychiatric examinations, and individually socially treated. We are getting away entirely from the idea of punishment for punishment's sake. Emphatic approval was also given for more and better use of probation and parole, though I do not think as yet all the members realize that not institutions but probation should be the major method of treatment for youths. Dr. Lewis has told you that the intention is to aid and strengthen our service and to coordinate existing probation and other services with the new plan. The question is, will the plan proposed do this?

The new element in the proposed Youth Correction Authority Act is the proposal to greatly limit the power of judges in imposing sentence and also in placing on probation. As Judge Ulman has stated it, this lawyers' group desires to "clip the wings of the judges." Some of us may favor and some oppose this, depending perhaps on our experience with judges. It may be true that the criminal court judge who has a thorough knowledge and appreciation of probation and other social processes is still in the minority, though I am sure that probation officers have succeeded in "educating" many judges to the right use of probation and other treatment facilities. On the other hand let us not forget that judges have often taken the lead in securing probation laws and in securing better probation personnel. Of course it is true that there is lack of uniformity in treatment prescribed by judges even in the same court, and great difference between courts.

The plan to establish one expert sentencing authority

in each state would tend to bring uniformity of treatment, and if we could be sure that the personnel were properly selected and adequate this might mean a more intelligent use of investigation and probation and I think greater use of it than we have now.

The proposed state sentencing board is authorized to appoint and employ its own staff, including probation officers, or to use existing probation departments. Certainly no present probation department should be eliminated or cut down. Juvenile courts would not be interfered with and adult courts would still have to handle offenders over twenty-one years of age. Present adult officers would probably be asked to serve the new treatment board instead of the courts in the investigation and probation treatment of youth cases. Some of you might be transferred to or appointed to serve the proposed state treatment board. The board would have to depend on local agents for all of its case work.

Questions to Answer

This proposal is one of great concern to us. It is in our field, the field of social preventive treatment of youth. What are some of the questions which we should ask ourselves and should also ask Dr. Lewis and the American Law Institute?

1 Is the plan practical? Will the legislature in any state pass so revolutionary an act and will it make the large appropriation which will be necessary to put it into effect? The act contains a specific clause that it cannot go into effect until the new state authority has certified that it has facilities and personnel sufficient for the proper discharge of its duties.

2 Will the appointment by the governor of a new state board, the qualifications of whose members are

not specified in the act, with the possibility of political selection, assure a more effective sentencing and treatment procedure than what we have now? Will this not depend not only on the personality of the state sentencing boards but even more on their ability to secure additional trained personnel?

3 Will there not be danger of a conflict of authority between this new board and the boards which now control institutions and parole officers, with the institutions themselves, and with the courts which now control the treatment and discharge of the classes of youths included in the measure?

4 Is it wise to legislate only for a limited group—a three year group from eighteen to twenty-one for original commitment in twenty-seven states which have an eighteen year juvenile court age limit, a jurisdiction we have always recommended? Are the exceptions to this plan of social treatment wise or justified? The plan excludes social treatment for youths sentenced to death or life imprisonment and for minor offenders who might be committed to jail for up to thirty days.

5 Is it desirable or possible at this time to go so far as to forbid the courts to use probation or suspended sentence in all of these cases? Remember that we have developed our present probation laws with many years of effort. Other countries look upon the development of the American probation system as one of the best achievements in crime amelioration. The power to suspend sentence and yes, probation, has been looked upon as an inherent power which cannot be taken away from the courts. If treatment boards are to be substituted for courts, should not the plan be applied to all offenders, young and old, and not alone to this limited group?

Dr. Lewis has mentioned but has not discussed in de-

tail another proposed act drafted by the same committee but not yet approved by the American Law Institute. This act would establish a separate youth court for this age group. The proposed act, however, does not provide for any special or socialized procedure like that of the juvenile court but is merely a separate criminal court. It does not attempt to reach the major problems presented in the book *Youth in the Toils* namely, the police handling, dangerous detention and long delays in bringing youth to trial.

It is stated of this proposal that the establishment of such a separate youth court for minors would be feasible only in a few large cities and only in states which have enacted the Youth Correction Authority Act. Prompt effective handling of youth and socialized procedure in the court as well as in after-treatment is everywhere needed. Why not provide for separate protective detention, prompt trial and in addition modified court procedure in a court now having, or which may have, a well organized probation department for the important social investigation and probation treatment of these youths? Why not urge upon the American Law Institute that they consider the extension of the jurisdiction of the juvenile courts of the country to include youth up to twenty-one, in separate youth divisions where possible, with such modifications of procedure and powers as may be necessary?

Federal Experience with the Youthful Offender

ARTHUR W. JAMES

*Technical Assistant to the Chief of Probation
and Parole, U. S. Court System*¹

DURING the past year our perspective has increased and our faith has been strengthened by our knowledge of the life and work of John Augustus.² As when the recruit first walks around the armory and sees the trophies and the rosters of the heroic dead of the command on many battlefields, we have caught something of the background, tradition and purposes of our service. We have become more certain that ours is no new or synthetic conception but one rooted in the highest principles of our civilization.

Eighteen hundred years before John Augustus formulated his concept of socialized justice, a Roman philosopher and author, Lucius Annaeus Seneca, wrote:

Of all dispositions, probation³ is the most quiet and peaceable, but it must be distinguished from mere pity which is a weakness in treating criminals. Probation is a favorable disposition of the mind in inflicting punishment. Not that I would have it so general as not to distinguish between the good and the bad; that would introduce confusion and give encouragement to wickedness. It must, therefore, have respect to the quality of the offender and separate the curable from the incurable for it is an equal cruelty to extend it to all as to none. Rehabilitation of the person punished may be procured by a small punishment, for he lives more carefully who has something yet to lose, and it is a kind of impunity to be incapable of further punishment. It is remarkable that those sins [crimes] are oftener committed which are more punished.

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² *John Augustus, First Probation Officer* National Probation Association 1939

³ The translator uses the word clemency but the context justifies the more modern and specialized term probation. George Bennet *Translation of the Morals of Seneca* London, 1745

But the enlightened philosophy of ancient Rome was lost sight of in the Dark Ages, and the English criminal law of the seventeenth century, which was the model for the early American codes and procedures and which has so greatly influenced our system to the present day, was extremely severe. Death sentences, transportation, corporal punishment, mutilation and the stocks saved the government the expense of institutional care. Jails, originally intended for the care of vagabonds and dependents, soon became custodial institutions for criminals of all ages, sexes, conditions and crimes. Out of the jail has evolved the variety of institutions constituting the present day federal, state and local penal and correctional systems.

The establishment of separate institutions for youthful offenders began as late as 1824 with the New York City House of Refuge which undertook the care of both dependent and delinquent children. Within the following quarter century institutions of this type were opened in practically every state. These are the training schools of today, the terminology having changed from house of refuge to reform school, to training school, with an avowed though not always actual corresponding change in program from repression and punishment to rehabilitation and education.

Juvenile Court Beginnings

In 1869 Massachusetts extended its efforts beyond the reform schools and into the home and community with the enactment of a law (Chapter 453, Acts of 1869) authorizing placement of juvenile offenders in private families. Some supervision of these children was indicated in the provision for visiting agents to have custody of the children and to attend hearings of complaints. This might be broadly interpreted as a probation law.

To Illinois goes the credit of the first juvenile court law passed in 1899, which originated in an effort to do something with the 500 or more children held in the Chicago House of Correction. Juvenile probation laws became fairly universal with the development of the juvenile court. The juvenile court movement, which represents the extension of the equity procedure to children's cases in mitigation of the severities of the criminal law, spread within twenty years after the establishment of the first court in Chicago to forty-five of the states and to many other countries.

At this point it is well, perhaps, to pause a moment to recall the nature of the criminal procedure as contrasted with that of the juvenile court, so prone are we to take things for granted and to forget the struggles and the victories of an earlier period. In the criminal court a person is accused of crime, the purpose of the trial being to acquit, or to prove guilt primarily as justification for punishment. The social and economic background are comparatively irrelevant; the hearing is public, and motive rather than motivation is a determining factor. Procedure is based on precedent, and punishment is arbitrary in character.

Under the socialized juvenile court procedure a child is alleged to have committed an offense and a petition is filed in his behalf. The purpose of the hearing is to discover the cause of the offense and to determine the need of treatment and protection. Social and economic factors are of primary importance, and investigations and reports are necessary to adequate determination of the child's need. Social and biological factors rather than legal precedent determine the scope of inquiry. Protection, education and guardianship rather than punishment, and detention rather than imprisonment, characterize the court's efforts.

In the fight for improvement of criminal procedure and for prison reform we may justly take pride in the outstanding efforts of the federal government. The development of the U. S. probation and parole system, the complete modernization of the U. S. prison system, the impetus which federal use has given to local jail improvement and the recent program of improvement of trial procedure in the courts represent a highly intelligent and determined effort toward socialization. In this effort our distinguished Attorney General, Robert H. Jackson, throughout his connection with the Department of Justice has been keenly interested and active, notwithstanding the tremendous load of work he has carried.

In the Bureau of Prisons I have been greatly impressed by the devotion of everyone to the highest standards of socialized justice and penology. Whatever success may have been achieved in the development of the program for the juvenile delinquent is due primarily to the planning and continuous interest and assistance of the director.

The juvenile court, notwithstanding its many imperfections, marked the beginning of separate handling for juvenile offenders on the basis of individualized treatment according to need. Social service and psychiatric clinics, study centers, foster home programs and other diagnostic and treatment facilities were soon added.

Although the juvenile court succeeded in removing large numbers of children from jails and almshouses and from the adult criminal court, recent studies have revealed that it has fallen far short of providing the panacea for juvenile delinquency which its enthusiastic early advocates expected. It is now known that the prevention and cure of delinquency are not to be found in the judicial process alone, whatever the type of procedure.

Federal Adaptation

The adaptation of this newer procedure in cases of juvenile delinquency by the federal courts is quite recent, due in part to the nature of the federal jurisdiction and the federal judiciary. Until 1932 federal juvenile offenders were tried and disposed of as adults. At that time an act of Congress authorized the diversion of federal juvenile offenders to state courts. This statute proved ineffective in every way, except for emphasizing the need of a broader program. In 1932, 6 per cent of cases coming before the federal courts were diverted and only 8 per cent in 1936. In 1933, 84 per cent of federal juveniles were detained in local jails, whereas in 1936, 90 per cent were kept in jails, the majority for periods of time from one to three months, and many for six to twelve months.¹

Transfer or diversion to state courts was ineffective because of inadequate state and local facilities, discrepancy in the juvenile legal age limits among the states, and an unwillingness of many courts and institutions to accept this responsibility.

The failure of this act added impetus to the movement for the adoption of a complete federal program for federal juvenile offenders, a movement which culminated in the enactment on June 16, 1938, of the Federal Juvenile Delinquency Act.

Finding it impractical and possibly unconstitutional to establish federal juvenile courts, the Congress by this act adapted juvenile court powers and procedures to the U. S. District Courts, and provided administratively for the development of approved practices in the disposition of children's cases.

The provisions of the act are few and simple. Offend-

¹ U. S. Children's Bureau *Juvenile Court Statistics*, 1936

ers under eighteen who are not dismissed or diverted to state authority and who are not suitable for probation may be committed only to the Attorney General provided they elect to be tried under the act, the constitutional right of trial by jury being here involved. Most of them choose this course.² No federal court may sentence a juvenile offender to jail, reformatory or prison under the act, but must commit the child to the Attorney General. The Attorney General in turn is authorized to place these wards in any public or private institution, which by legal construction now means any organized authority whether institution, school, social agency or child caring society, public or private.

This, it will be seen, is the heart of the equity procedure so far as commitment, treatment and placement are concerned. The act makes the Bureau of Prisons responsible for providing placement facilities and the Attorney General has delegated his placement authority to the bureau. Authority to parole is vested by the act solely in the U. S. Board of Parole.

For the administration of the act a special unit was set up in the Division of Probation and Parole of the Bureau of Prisons under an experienced social worker and public welfare administrator with special training in the child welfare field. Conferences were held with the U. S. Children's Bureau to develop cooperative plans for the utilization of the several social service and public assistance programs which the Children's Bureau is administering under the Social Security Act. Legal and administrative procedures and regulations affecting the courts, U. S. marshals, and probation service were co-operatively developed. The operation of the act is simple and effective in a majority of cases. It would be so in all if the act and procedure were faithfully followed.

In a normal case the procedure is as follows:

A juvenile (a boy or girl under eighteen years of age) is arrested by some constabulary unit of the federal government. The arresting officer immediately notifies the U. S. probation officer of the jurisdiction and the Bureau of Prisons in Washington of the arrest. The probation officer proceeds at once to make a presentence investigation for the court, a copy of which is sent to the Bureau of Prisons. This in turn is checked as to the probation officer's findings and recommendations for purposes of possible assistance. The case can and should go immediately to the court for disposition. Notice of the action taken by the court is sent to the bureau, followed by request for designation of the custodial agency or institution in cases of commitment to the Attorney General. Children placed on probation remain directly under the supervision of the probation officer.

The juvenile delinquency division makes the designation using the data of the presentence investigation and such supplementary information as may be available as the basis for decision as to type of custody and treatment. These data as a rule embody what is found in standard social service agency cases, supplemented at times by special reports from diagnostic and treatment clinics. In problem and borderline cases designation is made only after a conference of the social service, psychological, psychiatric and medical directors in the bureau, and often only after reinvestigation and recommendation by the probation officer.

These juveniles are at present being placed in (1) foster homes, in cooperation with the local, state and federal child welfare services; (2) noncorrectional educational schools; (3) local and state training schools, public and private; (4) the National Training School;

(5) U. S. reformatories and medical and psychiatric hospitals. The expense in all cases is borne by the Bureau of Prisons out of the "support of prisoners fund."

Dispositions Made

For the year ending June 30, 1939, 2057 juvenile offenders under eighteen years of age were in the care of the federal courts, 1783 of whom were new cases. During this same period 1801 cases were disposed of, leaving 256 not disposed of. Of these 1801 cases 774 were adjudicated under the Federal Juvenile Delinquency Act, 731 were tried under regular criminal procedure, and 296 were diverted to non-federal jurisdiction.

The offenses for which these two thousand juveniles were arrested include practically all those cognizable under federal jurisdiction. Violations of the postal, internal revenue, interstate commerce, immigration and narcotic laws; interstate transportation of stolen motor vehicles; white slave, and pure food and drug acts; larceny and trespass on U. S. property, and forging and counterfeiting are all included in the categories of juvenile offenses.

Federal juvenile offenders under supervision of the U. S. courts and the Bureau of Prisons comprise four distinct groups: (1) cases awaiting disposition by the courts, (2) cases under sentence and legally committed to the Attorney General, (3) cases on probation, and (4) cases on parole and on conditional release. On February 29, 1940 these four categories numbered 2241.

In group one for the year ending June 30, 1939 of 269 cases awaiting disposition 196 or 73 per cent were living at home, 150 on bond, 35 on their own recognizance, 4 in custody of relatives, and for 7 the home status was unknown. Fifty-nine or 22 per cent of this group of

269 were under institutional custody, 51 in jails (non-federal), 7 in juvenile detention homes, and one in a state prison. Twelve were in institutions whose location and status were unknown and 2 were fugitives.

In group two, juveniles under sentence were 568 or 25.3 per cent of the total (2057). Five hundred and forty-five or 96 per cent of these were in correctional institutions as follows: federal reformatories and medical centers, 144 or 25.4 per cent; National Training School for Boys, 238 or 41.9 per cent; state training schools for juvenile delinquents, 130 or 22.9 per cent; federal detention headquarters, 14 or 2.5 per cent; state reformatories for adults 2 or 0.4 per cent; and local jails or other institutions, 17 or 3 per cent. Of the remainder, 23 in number, 10 were in noncorrectional schools, 10 were in foster homes and 3 were under the care of social service agencies.

In group three there were 1200 or 53.5 per cent on probation.

In group four, those on parole and on conditional release, including all those under eighteen years of age on July 15, 1938 when first reports under the new act were made, there were 204 or 9.1 per cent, 152 of whom were on parole and 52 on conditional release.

To recapitulate, of the total of 2057, 269 or 12 per cent were awaiting disposition; 568 or 25.3 per cent were under commitment to the Attorney General or under sentence; 1200 or 53.5 per cent were on probation, and 204 or 9.1 per cent were on parole or conditional release.

After the arrest our first problem and the one which always looms large in every juvenile delinquency program is that of detention awaiting disposition. During the year in question, 1938-9, 1359 juveniles *not under sentence* were detained in institutions, 1142 or 84 per

cent in county and city jails, 79 or 6 per cent in federal correctional institutions and detention headquarters, 122 or 9 per cent in local juvenile detention homes and 16 or approximately 1 per cent in all other types of institutions. In these institutions 269 of the 1359 were held under three days, 212 from 3 to 6 days, 238 from 7 to 13 days, 291 from 14 to 29 days, 208 from 30 to 59 days, 88 from 60 to 89 days, 51 from 90 to 179 days, and 2 from 180 to 328 days. The median was 12.8 days in detention.

Of these 1359 children admitted to jails and other types of institutions for detention, 97 were subsequently sentenced to jail, 104 had their cases dismissed, 287 were bailed, 49 were released on recognizance, 10 received suspended sentence, 7 were transferred to other districts, 106 were turned over to the states, 276 were placed on probation, 7 escaped, 309 were removed to other institutions to serve sentence, 34 were turned over to the Immigration Bureau, 1 paid a fine, and 72 others were otherwise discharged from detention.

Nature of Cases

During the year 613 juveniles were placed on probation by the courts, 198, approximately one-third, for violation of the liquor laws, 125 for violation of the National Motor Vehicle Theft (Dyer) Act, 75 for violation of postal laws, 50 for counterfeiting and forgery—a total of 448 of the 613 new probationers for these four categories of offenses, the remainder being for varied and unclassified offenses. Those sentenced under criminal procedure and those committed to the Attorney General had violated these laws in approximately the same ratios.¹

¹ *Federal Offenders, 1939* Washington, D. C., Bureau of Prisons, U. S. Dept. of Justice 1940

Two-thirds of all federal juvenile offenders were residents of a group of states comprising about one-third of the total population of the United States—southeastern, southern and southwestern states. It is not implied nor should it be inferred that this is due to the larger Negro population of this area. As a matter of fact, the percentage of Negro commitments for violation of federal laws is far below the racial population ratios in these states.

Practically no commitments are made from New England, comparatively few from the Middle Atlantic, North Central, and Pacific Coast states. It appears that commitments decrease with the development of local and state resources for prevention, treatment and placement.

About 98 per cent of these offenders are boys. Making moonshine liquor, driving stolen cars across state lines, robbing post offices and mailboxes, counterfeiting and forgery are not the recognizable delinquencies which appeal most to girls or at which they excel. These boys are considerably older than the population of the state training schools. During the past year we have received two commitments of 10 year old subjects, admittedly because of environmental conditions, three or four 12 years of age, six 13 years, ten or twelve who are 14. At present there are only four boys at the National Training School under 14, ten 14, and thirty-one who are 15 years of age. The average for the 340 boys at this school is 17 years and 3 months. The younger group is to be found in the village type institutions, foster homes, and in local and state training schools.

I am sorry I cannot present a comprehensive analysis of the social, psychological and psychiatric records of this group of maladjusted youths. For the older and most serious offenders going to the U. S. institutions and to those state and local institutions with comparable

classification facilities, the analysis could easily be drawn. A composite of several hundred psychiatric summaries would read something like this: an immature, psychopathic, unstable youth of normal (often low and very infrequently superior) intelligence, from a broken home economically insecure, who has not had proper parental care and control, who has not regularly attended school, or who has been unable to work regularly, and who is in need of medical attention, discipline, education and training.

With a few the picture is better. Sometimes it is stressed that poverty or environmental inadequacy is the chief factor. Occasionally it is reported that all the youth needs is a chance, a comment which is often borne out by experience.

It is encouraging that in a large majority of cases the classification committees prognosticate satisfactory institutional adjustment and parole success *if* a good home and school or work plan can be developed and if there is adequate supervision during the period of adjustment. Experience bears this out—both ways. Mr. Bennett often says that behind nearly every adult criminal is to be found the shadowy outline of a juvenile delinquent. We all know that. But he would be the last to say that every case of juvenile delinquency must be followed by an adult criminal record. "There can be no question," he says, "but that the juvenile court in which each juvenile delinquent is treated by social case work methods has saved thousands of children from becoming confirmed criminals."

The decision as to placement is made exactly as it is in any professional receiving-and-placing children's agency. Age, degree of delinquency, previous offenses, intelligence, cultural level, educational needs, opportunities for successful adjustment, geography, economy—all of these are determining factors.

Institutions Used

At present we have 12 subjects in foster homes, all under the joint supervision of the Child Welfare Services of the U. S. Children's Bureau. We have about 40 at Ormsby Village and its Children's Center in Kentucky. We have one at the Children's Village at Dobbs Ferry, New York, and 10 in first class academies, trade schools and junior colleges. The state training schools for boys in Minnesota, Utah, Nebraska, Idaho, Rhode Island, California, Indiana and Virginia are in use at present, and we have contracts with others. State and local medical institutions, public and private, as well as those of the federal government are used for tuberculosis and mental cases. In addition, among all these situations we make free use of transfers for greater or less restraint and discipline or for specialized care and treatment.

The National Training School for Boys plays an important part in this program. The school heretofore has had difficulty in obtaining adequate appropriations and adequate attention to its problems. Until recent months the personnel has not been under the civil service nor has it had a retirement system. The plant is far from being modern, and many people familiar with the school believe it is unfortunately located, in a busy and growing residential area within the District of Columbia. The school is now undergoing a reorganization in an effort to put it in step with the best modern training school administration. Since the transfer of the school to the Department of Justice in July 1939, every energy and resource of the department has been utilized to improve it. Medical, psychological, psychiatric, and nursing services have been reorganized and are now maintained by the U. S. Public Health Service. A modern

classification system has been installed and developed. The personnel has been placed under civil service. New standards for recruiting personnel have been established. A diet specially adapted to this group of boys has been developed. A new dining hall will be constructed with funds now available for the purpose. As additional funds become available further improvement in plant and buildings will be made.

Disciplinary methods have also been drastically changed. Corporal punishment has been completely abolished. The old disciplinary building has been demolished. A recreation and leisure time program is now being inaugurated at the school in cooperation with the National Recreation Association. Uniforms are being discarded as everyday clothing in favor of civilian dress. These and other measures represent the determined, and we hope, intelligent efforts of our bureau to make the National Training School one of the best schools possible, considering the plant and location.

In the cases of the children placed in academic and vocational schools and junior colleges, delinquency was apparently conditioned by lack of adequate social and educational opportunities, and they appear to have the ability and desire to respond to this type of treatment. This group has been carefully selected on the basis of intelligence, educational preparation, attitude, conduct and opportunities. The school likewise has been carefully selected to fit the subject's cultural and educational needs. Some schools have been unwilling at first to accept delinquents of record, but an intelligent presentation of the case by the probation officer has overcome this disinclination in a number of good schools.¹

In the score or more of selected cases placed in non-correctional schools and foster homes there have been

¹ Bureau of Prisons, Circular No. 3324, Jan. 2, 1940

only four defaults, none of which was very serious. A boy in an excellent state trade school learned unofficially that his mother was ill. Instead of asking for a leave he went AWOL and on the way home got into further trouble. He joined up with some boys whom he met en route home in a violation of the Dyer Act, in order to get home quickly. He went home, however, and was with his mother when apprehended for the latter offense. We returned him to the school and he is now making satisfactory progress. Another boy was removed from X academy because of failure to make any grades and for generally unresponsive conduct. One boy took leave the day after arrival at a good trade school, expressing his regrets to the director of the school in a rather melodramatic note. He confessed to nostalgia and a sense of inferiority. A girl lied to the head of the school about her mother's illness in order to secure a leave. All others are doing satisfactory school work without conduct difficulties. Several are reported to be doing excellently in every way.

Although the number is still quite small, our experience to date indicates that with careful selection of both the child and the school, many cases of delinquency, federal and state, can and should be straightened out by this type of treatment. And the cost, incidentally, in both foster homes and noncorrectional schools is less than that in the correctional institutions.

Parole Procedure

The Federal Juvenile Delinquency Act places the responsibility for paroling delinquent juveniles on the United States Board of Parole. A juvenile committed as a delinquent may be released on parole at any time, and in conformity with the spirit of the act, procedures have been established to assure each juvenile individual con-

sideration in the matter of parole or release.¹

In the U. S. reformatories those so committed go through the usual procedures of quarantine and admission classification. Routine reclassifications occur at the expiration of three months, six months, and nine months after commitment. At the expiration of twelve months following commitment, all cases which have not been previously docketed are reviewed by the classification committee and must be docketed for consideration by the Board of Parole. The given sequence of quarterly reclassifications and reports continues until the child is released from the institution. The classification committee, in addition to considering a recommendation for docketing a case at any routine reclassification meeting, may, if circumstances appear to warrant it, schedule a special reclassification for that purpose at any time during the child's residence in the institution.

Approximately the same administrative procedure is followed at the National Training School for Boys and insofar as possible this procedure is followed by the state and local training schools caring for federal subjects.

In the cases of children committed to the custody of the Attorney General and placed in foster homes, non-correctional schools, and other types of noncorrectional institutions, the same procedure is followed as far as may be. The United States probation officers are expected to secure quarterly progress reports from the appropriate child welfare agency, school, or institution and forward them, with such recommendations as the agency, school, institution, and the probation officer may wish to make, to the director for review and preparation of parole applications. However, nothing of the foregoing may be construed to prevent or in any way limit the powers given

¹ Bureau of Prisons, Bulletin No. 455

to the Board of Parole to docket a case of a delinquent juvenile on its own initiative at any time.

Although many legal and administrative problems remain to be worked out, particularly as to release and placement after discharge, this program compares favorably with the services of the better juvenile courts and child welfare agencies. It gives promise of constructive work with the young federal offender and may serve as a demonstration for state and local programs.

Mr. Justice Holmes said the solution of the difficult turntable cases was to be found probably in the playground movement rather than at the bar; meaning of course that children wouldn't be mangled in dangerous places if they were at play in safety zones. It must be evident now to the informed thinking person that the solution of the difficult problem of delinquency is not to be found either at the bar or behind the bars.

Modern child welfare legislative programs are concentrating on the underprivileged and socially inadequate child and emphasizing the need of specialized treatment and training. The delinquent child, as well as the dependent and defective, comes within the responsibility, and we believe the genius of our democracy.

Criminology as it "advances toward science,"¹ like public health and public assistance, looks not to its institutional population for greatest and most lasting results but to individuals, treated as individuals. While these greater resources are being organized for the final battle, our forces must carry on as advance guards and prepare for future leadership.

¹ Edwin H. Sutherland *Principles of Criminology* Philadelphia, Lippincott 1939

V SOME TYPES OF ADULT OFFENDERS



The Sex Offender: A Consideration of Therapeutic Principles

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ONE of the most troublesome problems which confront the student of delinquency is that of the sex offender. The problem is intensified because of the growing feeling on the part of workers in the field of delinquency that society is helpless in the face of this type of offense and that there seems to be no effective technique for the treatment of the offender. There is an impression among workers in penology that sex offenses are increasing in number although as yet no reliable statistics have been developed to support this impression. It is certain, however, that there are "waves" of sex offenses. Of that there is a valid psychological explanation. Two years ago, at the height of a sex crime wave, Austin McCormick pointed out that in certain neighborhoods any

adult male seen talking to a strange child might be detained for investigation.

We must remember that a large number of crimes is included in the category of sex charges. Most notable of these are rape, indecent exposure, seduction, incest, impairing the morals of a minor, prostitution, and various combinations of these offenses. The general public regards the sex offender as a man whose criminal activity is directed against children and as a result they react to him with horror.

Definitions of the various sex offenses are to be found in the penal codes of the separate states. Such definitions differ from one another, especially in the legal distinctions between felonies and misdemeanors. A particular act may be regarded as a felony in one state and as a misdemeanor in another. Refinements of definitions might be of some interest to the special student, but they would have little value to the arresting officers, the prosecutors, the courts and the probation and prison officials.

Despite the fact that sex crimes have been highly publicized, it seems questionable that there is an undue increase in their number. In the year 1935, 737 persons were arraigned in the magistrates' courts of New York on charges of rape, and 257 for impairing the morals of minors. According to reports of the Citizens' Committee for the Control of Crime in New York, for the year ending June 30, 1939 the police received 807 complaints charging rape and made 741 arrests. For the same period 955 complaints were made on other sex charges and 820 arrests. The increase in number over a period of four years was so small that the incidence of sex crime in New York appears to be fairly constant.

Those who work with delinquents in large centers of population are apt to ask whether sex offenses are not the product of our modern urban civilization, and whether

sex crime is not a concomitant of urban overcrowding. In a recent paper¹ we called attention to the fact that the slum was doubtless a cause of much of our delinquency. Whether this is true in the realm of sexual delinquency remains to be seen. We can say that there are more homosexual men concentrated in the city of New York than elsewhere in the country, but only a small proportion of sex offenders are homosexuals.

In this paper we are considering only those men who have been interviewed in the penal institutions of the city of New York and in the psychiatric clinic of a large metropolitan hospital to which they were sent by the public authorities. The reference of sex offenders for study is a comparatively new development. Hitherto the public has been punitive and vengeful in its attitudes towards sex offenders. They have been segregated from other humans and made the subjects of social reprobation, scorn, and occasionally mob violence. Even within the prison the sex criminal is made to feel inferior to the rest of the inmate population. The contumely with which these men are held in prisons is illustrated by the fact that in one penal institution an inmate clerk who had access to records made a lucrative income through extortion by threatening to expose the nature of the charges against sex offenders to their fellow inmates. Keepers have traditionally regarded this type of inmate as a loathsome individual, and keeper attitudes toward sex offenders have been consistently hostile.

Society has recoiled from the sex offender with horror; it has made no attempt to understand him and less to treat him. It has confined him and punished him. All that imprisonment has accomplished has been to make the sex offender more cautious.

¹ Henry-Gross "Social Factors in Delinquency" *Mental Hygiene* January 1940

The Individual Offender

What can we expect of scientific method in respect to the sex offender? By it we strive to accomplish two things: (1) to discover the causes of the personality maladjustment as this is expressed in sex offense; and (2) to suggest a working technique of treatment. We must prepare a large number of case histories, noting significant details in the life history of the offender. Really to do an effective study, the investigation of the offender's personality should go back as far as the grandparents' generation.

As yet we are not in full possession of the salient facts in the life histories of sex offenders. We have partial histories of large numbers of men accused of sexual crime. We have also partial studies of men accused of other delinquencies whose maladjustment would seem to be sexual in basis. In these studies we have seen certain phenomena which have become classic in the study of the problem—broken homes, social, economic and occupational inadequacy. In the composite portrait of the offender we have noted these social stigmata:

These men were found to come from recent immigrant stock. They were themselves immigrants or the children of immigrants. They came from homes which were broken through the withdrawal of one or both parents in early childhood. They came from depressed districts. Some were reared in institutions. Their formal education was meager, the scholastic maximum with one or two exceptions being the eighth grade. They had no regular trades but worked at indifferent jobs for low wages. There was no regularity in their industrial history. They made no constructive use of their overabundance of leisure. The cheap movie, the street corner gang and underworld enterprises furnish the boundaries of the sex offenders' social life.¹

Sex offenders are products of socio-economic restriction as much as other offenders are. The majority of

¹ Henry-Gross "Social Factors in the Case Histories of 100 Underprivileged Homosexuals" *Mental Hygiene* October 1938

detected sex offenders are persons of extremely limited environment. It is all too easy to blame crime on the slum. There are citizens of character and achievement whose dwelling place is a slum tenement and there are millionaire sex offenders. We may assume that a great part of our problem is inherent in the social order and may attach ourselves to all sorts of movements for its improvement. This does not relieve us of our obligation to meet the immediate problems of the individual sex offender.

Certain of these social elements are best seen in the life histories of four individuals here presented. These histories are not especially unusual, but they call attention to the sequence of events in each case and to the fact that each is an individual problem sufficiently different from others to permit of few generalizations. Because of the limitations of time and space these cases are presented far more briefly than interest in them warrants.

The first case is of interest because this individual has had no conflict with the law on a sexual charge. Nonetheless, his maladjustment is on a sexual level and his problem must be studied and treated as one of psychosexual deviation. The names employed are of course fictitious, and other precautions have been employed to conceal the identity of the persons involved.

Case No. 1 *Chronic petty delinquent, homosexual male prostitute* Jerry Flynn's proud boast is that he has never been convicted on a sex charge. In a long history of petty delinquency which goes back to his childhood the authorities never suspected that Jerry was an overt homosexual and that his homosexuality was capitalized by him to help eke out the precarious existence of an inefficient Forty-second Street "hustler." Jerry pan-handled, sold song sheets, got meager handouts from former clients and underworld characters of his acquaintance. He drank to excess and when he drank he became quarrelsome and such a nuisance that the police ran him in every so often in the hope that a workhouse sentence might have a sobering effect.

Jerry presents the classic picture of a neglected child. He is the product of a broken home. Complicating the picture are the conventional factors of slum upbringing, economic inadequacy, vocational inadequacy, educational inadequacy. He came from an underprivileged neighborhood of New York sometimes known as Hell's Kitchen. At school he became acquainted with truant officers and police from the Crime Prevention Bureau and he acquired for himself a record of juvenile delinquencies. He went to work as soon as the law permitted. What really is meant is that Jerry quit school as soon as it was safe. His work record is negligible. He never held a job for as much as a year.

Jerry is myopic, but glasses are a distinct handicap to a tough neighborhood kid. Social workers supplied him with a pair, but these were destroyed in a brawl a long time ago and thus far no one has attempted to replace them. It seems unlikely that for the immediate present Jerry will be able to buy glasses on what he is able to save.

Jerry also quit home as soon as it was safe. His mother had married a respectable German and moved to an upstate village where the mother, stepfather and two sisters live an orderly but circumscribed existence. He obtained work as a bellboy and elevator operator in a large hotel. Jerry was a pleasant individual and his appearance was doubtless satisfactory to homosexual men patrons of the hotel. These introduced him to the passive role in fellatio, and he supplemented his income by permitting these men to have oral relations with him. For all of his surface hardness Jerry is essentially a weak individual and soon he was himself experimenting as the active agent at fellatio and found it to his liking. He had some adolescent experiences with girls of his own age and group, but these he discontinued as he discovered that men could more adequately satisfy his sexual desires. The elevator job marks the high point in Jerry's career. Drink and its subsequent brawling separated him from this job and his later career has been one of continuous deterioration.

Today at twenty-three Jerry is a homeless vagrant. His hair is streaked with gray. He is suspicious of the motives of all men, and has sensed that his social deterioration makes him undesirable to homosexuals who frequent the Times Square district in search of the sexual companionship of youthful males. Because of economic pressure Jerry submitted to being used anally by men, and in the course of that phase of his career as a prostitute he acquired syphilis.

Never a year went by throughout Jerry's adolescence and up to the present time without an arrest for vagrancy, peddling song sheets, public intoxication, disorderly conduct or fighting. He

seemed completely indifferent to moral influences. For a time he was able to obtain employment as a WPA laborer but even that proved too irksome. The influence of religion was nil. Although he was brought up in a strict Catholic home he had not been to confession or communion in seven years.

When Jerry was first seen he gave the impression of a defeated, aimless derelict. At twenty-three he was ready to accept his fate and seemed indifferent to the results of any therapeutic experimentation. He was, however, fearful of the consequences of untreated syphilis, and the offer of assistance through treatment led him to question the value of his purposeless day to day existence.

At the present time, in cooperation with the Home Relief authorities, a plan is being made under which Jerry will be given relief, treatment and an opportunity for hard physical work when his condition warrants. His progress will be watched, and an attempt will be made to restore him to his church through a sympathetic and understanding confessor. When he is considered non-infectious he may be placed in a home so as to give him some of the family life which he so badly needs. Attempts will be made to provide him with more adequate associates and to teach him to make more profitable use of his leisure.

Case No. 2 Rape The number of cases of true rape—actual sexual assault upon a grown woman—is not so large as is commonly supposed. Some difficulty was experienced in locating a case which seemed suitable for presentation. This is the case of James French, a native New Englander whose family history is one of progressive deterioration. For attempting to rape a twenty-five year old girl he was sentenced to an indefinite term in the penitentiary. His is a fairly extended criminal career, going back to 1913 when he was sentenced for grand larceny.

This man has had a background of limitation and economic restriction. He was born in Boston in 1884. He is white, Protestant and married. His father was born in Nova Scotia, his mother in Rhode Island, and he comes of Scotch-Irish stock. French is uncommunicative about his family history. He claims he was told that his father was killed in an accident. He states that his mother remarried in 1916, and that he knows nothing of her whereabouts or even whether or not she is living. The family had little, if any, educational or social advantages. James' education extended only to the fourth grade.

Until 1917 when he married, his work record, interrupted by one prison term, had been reasonably steady and productive. From thence he worked for two years at carnivals, making a

salary of \$25 a week. Then there are four years which were spent in prison. For two years 1923-25, he reached the peak of his earning power when he worked as a blacksmith at \$44 a week. From that time his working history, although fairly stable, shows economic deterioration. He worked from 1925 to 1928 in a boiler room at \$30 a week. The record is blank from 1928 to 1933, and it is not inconceivable that this time could be accounted for, at least in part, by a prison experience. He turns up again as an apartment house superintendent in 1933, and he worked at this steadily until the time of his arrest on the assault charge.

French made a fair marital adjustment. He married a woman of his own station and background whom he met in a carnival in 1917, and by her had two children. His wife remained loyal to him throughout all his vicissitudes, and despite the charge against him is willing to have him back. She is moderately satisfied with his treatment of her. He never beat her and is a fair provider.

Despite the fact that French is getting on in years, he still has considerable need for libidinous gratification. He tells of frequent visits to prostitutes and of deriving moderate gratification from their services. There is nothing in the record to disclose that French is ordinarily assaultive or quarrelsome.

The psychiatric findings in this case are negative. The patient is of dull normal intelligence. He is neither psychotic nor defective.

French is an undisciplined individual who is rebellious against authority. He managed to acquire for himself sufficient economic stability to produce a fairly satisfactory work record. He was never able to inhibit his desires to the extent that he could make a comfortable psychosexual adjustment. It is hardly to be believed that the two rape episodes represent the sum of his unconventional experimentation. The most that can be expected of this man's prison experience is that it will protect society from his sexual activity for a while.

Case No. 3 Statutory rape Much more common is the crime called statutory rape, which may be defined as sexual intercourse between a male and a girl under the legal age of consent. Jack White is a typical example of this type of offender. He is a "Tobacco Road" product, a native southern poor white. Jack is a talkative youngster of twenty. He came north to work at his trade of auto mechanic. He had been here for almost a year and had established himself to his own satisfaction. He had a job in a garage, a furnished room in its

neighborhood, a few pennies in his pocket and an abounding friendliness. He was always good for a touch from anyone who needed a dime.

Jack had a friend who proved his undoing. This friend was a neighborhood New York youngster who made a living on the fringes of the law. The friend had access to Jack's room and used it for sleeping purposes and for his social life on the occasions when he was unable to pay his own room rent. According to Jack's story he returned from work late one night or early one morning and found the friend and a girl in bed. Jack says he went to sleep on a couch and thought little or nothing about the matter. Nor, according to his story, did he think very much of the fact that the girl climbed into his couch and got under the covers with him. He insists he was wearing a bathrobe and that no sex relations took place between them, although it is quite likely that his friend did have intercourse with the girl. In any case the court disbelieved Jack's story. Jack feels the injustice of the transaction rather keenly because, in addition to a possible prison term, he acquired a gonorrheal infection.

There is no previous history of delinquency in this case. Jack is an authentic first offender. He has had the limited schooling which is common to all members of his group; he managed to complete the eighth grade. He is a competent mechanic and his employer says that Jack's job is open for him. He possesses a high degree of manual dexterity. He is of average intelligence and his fund of general knowledge is satisfactory for his social situation and group. He reads the papers—the tabloids by preference—and an occasional detective story magazine. He has no taste for books. He attends the movies quite frequently, averaging about two or three times a week. Because he is a night worker he has to seek his recreational outlets in the daytime. He frequents neighborhood pool rooms which are social centers for him. He smokes a package or more of cheap cigarettes a day. His drinking habits are moderate. He will drink beer by preference with his friends in neighborhood taverns “for sociability.” He rarely uses hard liquor and has been drunk but once or twice in his life. He is a Protestant by religion but religion in the sense of regular church attendance means little to him. He claims that he had too much religion in the small South Carolina town from which he came. He has had conventional sex experiences with girls of his own age and group. He has had but two experiences with prostitutes. He masturbates infrequently, he says. He denies homosexual experimentation but admits having acquaintance with “queers.” One of his acquaintances is a “wolf.”

Jack told us that he was engaged to be married to a girl back home. He wanted to get out of his legal difficulty to marry her. His ambitions run to a working career of several years more so that he can save up a small sum and open a parking lot and garage somewhere in the south.

Case No. 4 *Impairing the morals of a minor* When seventy year old Isidor Rubenstein, a tailor, was taken before the magistrate for a hearing on the charge of impairing the morals of minors, he told the court that he was "framed," and that he should be charged with "raising their morals." He was accused of sex play with the children of a friend of eight years' standing. Back of the charge is a quarrel with the friend. A story of "framing" requires investigation. A family feud, eliminating a competitor from business, quarrels between partners, have all been the occasion of a parental complaint on a sex charge. The court and the defendant do not agree as to the facts in the present case, and the man was found guilty of the charge and sentenced to an indefinite penitentiary term.

Isidor Rubenstein was a philosophical pants presser. He came to America in 1913 and settled in New York City. He is largely self-educated and impressed the investigators with his great store of diversified knowledge and his wide scientific interests. He spent a great deal of time in East Side cafes, and took part in many discussions among the older intelligentsia about socialism, the Russian revolution and the state of the world. He might easily have been a character out of an East Side novel.

Rubenstein was a lonely old man. He had married in Russia and had four children, all of whom died during the revolution. He made many attempts to bring his wife to this country but these attempts were unsuccessful. Until a few years ago, when he lost touch with her, he regularly sent money to his wife to aid with her support. He made a fair occupational adjustment, but economic deterioration became progressive as he advanced in age. In 1914 he obtained work as a presser, averaging \$4 a day. In 1915-16 he was a leather cutter at \$20 a week. From 1920 to 1930 he made \$25 a week as a packer, and from that time until 1934, when he went on relief, he was able to get only small jobs at low wages and for increasingly shorter periods.

He had only one conflict with the law outside of the present charge, and that was in 1922 when he was accused of bribery and was discharged.

The present offense distinctly grew out of a family situation. For five years he was a boarder in the home of the mother of the

children he is alleged to have abused. Rubenstein claims that he loved these children and the thought of handling their private parts was repulsive to him. He described the charges as "false and spiteful." He had cautioned the mother against conducting a flirtation with another man and the charges were made against him as revenge.

It is evident that we have here an elderly man to whom the little girls were at once the children and sex objects. Although Rubenstein may have engaged in sex play with these children, it seems plausible that he was devoid of intention to commit a criminal act. Rubenstein lived in a world that had passed him by. His adult intellectual companionships and interests had long since disappeared when his neighborhood ceased to be predominantly Jewish, and he was slowly but surely returning to childhood and becoming himself a child playing with children. Unfortunately for himself and for society, the play was sex play.

What social purpose is served by imprisoning this offender is questionable. Society would have been sufficiently protected by placing him in a home for the aged.

Common Factors

Enough has been given of the life histories of these four sex offenders to make comparison of the cases possible. In all of them we see a picture of insecurity. In all of them we see the picture of the broken home. In all of them we see the picture of economic, social and educational limitation. In a word, all these four men are what they are because of the denial to them of the two fundamental human needs of security and affection. But is that quite all? A great many men lack security and affection and somehow they manage to keep out of the courts. Nonetheless, in the case of every sex offender we have studied the chief common factor is to be found in the insecurity of the individual. The nature and consequences of that insecurity differ, as do the nature and consequences of all personality maladjustments.

In the first case we have the most extreme form of maladjustment, yet for all that, Jerry Flynn's conflicts with the law have been on decidedly minor counts. This

does not mean, however, that if he pursues his course without social aid his delinquencies will continue to be petty. Desperation and an increasing sense of futility may force him to try his hand at more serious delinquency. At this time he has some insight into his situation. The validity of that insight remains to be tested. Now he is afraid that if he is arrested again on another vagrancy charge he may face an indefinite workhouse term. Also he has decided to take systematic treatment for his luetic infection and his lymphogranuloma. As long as society exhibits a tolerant attitude toward his delinquencies and reinforces that attitude with an occasional handout, Jerry is apt to take the easiest way. For the moment it is the relatively ordered existence which home relief and a WPA job coupled with medical aid offer him. Another significant factor for successful therapy with this patient is his realization that at twenty-four a Forty-second Street hustler is definitely aged, and that his lucrative (for him) career as a male prostitute is practically at an end. This does not mean that Jerry's sexual life hereafter will be marked by abstinence. He has enough decency to desire not to infect others. Yet Jerry is essentially a weakling and will take the line of least resistance. As long as virtue offers concrete rewards Jerry will be virtuous.

The second case is interesting because it presents one of forcible rape which many physicians believe is rarer than is commonly supposed, since a woman's struggles, so long as she is conscious, will often prevent sexual penetration. The law, however, is specific, and states that sexual penetration, no matter how slight, constitutes rape. Many reported forcible rape cases are probably violent sexual assaults and the courts have recognized this fact when they permit many individuals charged with rape to plead guilty to an assault charge.

Sex is not the only field of delinquency for the offender presented here. He too, presents the classic picture of the broken home and of social and economic limitation. This man, however, has had a fairly stable work record. Unfortunately his income curve is not an ascending one and his optimum earning power was reached over fifteen years ago. His economic future is at best doubtful. His criminal career is probably closed by age, except for possible sex offenses. It seems likely that the advancing years may make him fearful of trying to rape adolescent or young adult females. If his wife receives him again he may be able to gratify his libidinous needs conventionally. There is small chance of his attacking young children. His future, however, is not particularly hopeful.

The third case, statutory rape, is clearly one of ignorance and limitation. Jack White followed the folkways of a restricted group and probably had small realization of the fact that he had committed an act which merits social disapproval. If he thought at all about the matter (and he doubtless had no regard for the age of consent) he thought that a girl who would spend a night in the room of a stranger was a legitimate object for his sexual gratification. In the neighborhood in which Jack made his home, adolescent and early adult sexual experimentation was a common phenomenon. Marriage as its outcome was rare and was resorted to only under pressure of parents or to legitimize possible offspring. In many cases of statutory rape the girl's father uses a single sexual experience as a threat of prosecution unless marriage is agreed to. In one case a girl had sexual relations with several young men and the parents deliberately shopped among the series to find the most prosperous of these and threatened court proceedings unless the young man married the girl.

In the case we have presented we see an insecure youth

trying to make a foothold for himself. In his small southern community he knew everyone and had some sort of place in the common life of the town. In New York he found himself able to associate only with a restricted group. By aggressiveness and artificial geniality he strove to cover up his insecurity and make a local reputation for himself as a good fellow. He paid for it by being Santa Claus to every bum who wanted a dime for drink, and the half-unwilling host of any girl living on the fringe of respectability who wanted to eat or drink.

It is not clear what social good will be achieved by the imprisonment of this offender.

The last case is from our point of view in many respects the most troublesome. The problem of the senile sex offender is becoming increasingly serious in its extent. It is one over which public disgust most easily becomes aroused. Very occasionally an individual of this type may become homicidal, as in the case of Albert Fish, an elderly housepainter who was executed in New York City in 1936 for the murder of a ten year old girl.

It is probably true that in the beginning our delinquent entertained the most moral sentiments toward the child who happened to be at once his child and love object. This subject is carefully considered in a recent article in *Mental Hygiene* by Dr. Henninger, who says:

The problem of the senile sex offender has been presented here not so much as a menace to the community, but as a problem that is ever with us and that is much more prevalent than is commonly believed. The disposition of these aged offenders who come before criminal courts is a matter that calls for thorough investigation and examination. Before deciding upon the most advisable disposition, one must consider not only the question of guilt but the degree of the offender's deterioration, the severity of his psychosis, the question whether or not penal or institutional incarceration is necessary, and if not the matter of adequate custodial care. No correlation has been found between

degree of deterioration and likelihood of sex offenses, which on occasion appear as the first step of incipient senile changes.¹

The study and treatment of the senile or pre-senile sex offender are baffling and to a great extent unrewarding. In the cases where treatment must deal with senile psychosis and physical deterioration due to age, the offender should receive the kindest custodial care available.

The Role of Probation

What is the role of probation with respect to the study and treatment of the sex offender? Probation is usually considered in two aspects, investigation and supervision, and that division will be used here in discussing the part probation can play in these cases.

The task is simple in respect to investigation, insofar as its requirements can be stated simply: get before the court all the data that are essential in understanding the life history of the individual under investigation. To the psychiatrist and the social scientist detailed personal and family data are essential in reconstructing the life history of the offender. Material that sometimes seems completely irrelevant may be of the utmost importance for the purposes of diagnosis and treatment. The investigation should go back as far as the grandparents' generation and should gather in every possible piece of information as to the family history of the offender. Especially is this true where a relative turns up who is psychotic, or defective, or a psychopath. The personal history of the offender should be exhaustively explored and his educational and working career carefully checked. His aptitudes and interests, his friends and what he does with his leisure time are all significant. Where the court has a psychiatric clinic, a report from a psychiatrist should be included in the investigation. Ideally, in all sex cases

¹ J. M. Henninger "The Senile Sex Offender" *Mental Hygiene* July 1939

where it is possible to arrange for psychiatric examination, this should be done if for no other reason than to exclude psychosis or mental deficiency.

In sex cases the probation reports should be much more exhaustive than in the ordinary run of criminal cases. This is advisable not only for the information of the judge but for the probation department itself. When the offender is sentenced to a prison term the responsibility of the probation department naturally ceases. Treatment, however, should be instituted in the penal institution itself so as to prepare the offender for parole, and the investigation report has value to the institution staff.

When the offender is admitted to probation the most difficult probation task begins—the attempt on the part of the probation officer to create a satisfactory social adjustment. In the ideal probation adjustment the worker will manipulate the environment of the offender so as to produce for him a maximum of security.

The supervising officer should have the cooperation of a competent psychiatrist who will study the case and be in a position to make recommendations for therapy. In many communities this is impossible and the officer will have to content himself with what occasional psychiatric contacts he can make. It is a commonplace that the first step in therapy is the provision of work. In times of depression and with individuals handicapped with a criminal record this desideratum seems almost impossible of achievement. But it has been done. Needless to say, the job should be remunerative and within the probationer's capabilities, and ideally it should be one which will give him emotional satisfaction and a sense of achievement. Where the probationer feels that he is socially useful and that he is making a place for himself in a community, probation is doing a good job.

Besides work there are many other aspects of the patient's environment which require skilled manipulation at the hands of a good probation officer. Many a delinquent fears returning home after having undergone detention before being placed on probation. He is afraid of the attitudes of his family and friends, especially when the crime he has committed is a sex offense. Probation must seek to interpret the offender to the family group. Sometimes the family needs interpretation to the offender. Often a young probationer is convinced that his family is "down on" him. Sometimes a family conference is all that is required. More often it is a painstaking, uphill job, and there are cases in which the interests of all concerned are best conserved by a physical separation, sometimes permanent, sometimes only temporary, of the probationer from the family group. This is doubtless familiar material to all of you, but its usefulness in sex cases is perhaps greater than in burglary cases.

The criteria of success in a sex case may be entirely different from those which mark successful therapy in other situations. A probationer may be successfully employed and have on the surface an adequate social background. In one case of which we know, a physician, a graduate of a large eastern university, of good family and socially acceptable, committed sexual assaults upon children. To elicit employment and social conformity, so far as the accepted amenities were concerned, was in his case unnecessary. To him the underlying insecurity was in an entirely different realm and he had to be reached in another way. This man was honest; he had a good work record; there was no evidence of criminal behavior save in the personality distortion which expressed itself in sex offenses. For such an offender very little in the way of successful therapy will be seen on the surface. For a patient such as this, therapy must be

directed toward reassuring him of his own competence as a person. He had to be raised to a level of emotional maturity.

What interests in life has the sex offender? Is he concerned exclusively with the gratification of his libidinous desires? Fairly early in the probation contact, stock should be taken of the offender's aptitudes and interests. This is best accomplished by some method other than the questionnaire. Psychiatrists speak of sublimation, of the creation of new and wider interests to replace narrow and almost exclusively sexual interests. There are very few sex offenders who spend most of their waking moments with sex and the possibilities of sex. Nevertheless it is impossible to sublimate anything effectively until we know what there is to sublimate. First we must get to know the offender as well, if not better, than he knows himself.

The treatment process will introduce the offender to educational, social, intellectual, recreational and religious opportunities. Repeated failures of response on the part of the probationer need not be too discouraging; we have simply failed to interest him. Sometimes we are endeavoring to force our own cultural standards on an individual to whom they are unintelligible. Very little imagination is required to predict the result of this type of treatment. Offenders must be taken as we find them. The remaking process is slow and toilsome, especially in its initial stages. Social achievement in these cases is reached when the patient has regained his self-esteem and has made for himself a place in the community.

Selection for Treatment

In our studies of sex offenders we have been careful to determine so far as is possible whether the specific criminal act charged was a unitary, isolated episode or part of

a behavior pattern of long standing. In the first instance, and this is true especially of the youthful so-called first offender, we observe a great many "accidental" delinquents. These yield speedily to treatment and a youngster who is detected at homosexual experimentation can be expected to outgrow a juvenile form of sex play with a very small amount of guidance. These are the hopeful cases which yield most readily to treatment, and it is not impossible that these young offenders will attain a heterosexual adjustment with very little aid from society. The number of young people who have gone through a homosexual stage in their psychosexual development is far greater than is generally supposed and the majority of them make for themselves an ultimate satisfactory adjustment. As has been pointed out by many students, the responsibility for considerable sexual maladjustment must be taken up by society itself. The postponement of the age of marriage because of the economic factors involved, the minimizing of the importance of the home and the general unrest implicit in the times themselves all have their repercussions in sexual maladjustment and therefore in sex crime.

Our social concern is not with the "accidental" offender save as we need greater understanding of his problem and more realistic treatment of his condition. Society is chiefly concerned with the problem of the repeater. Our interest in him is twofold: first, to protect the community from overt criminal assaults, especially when these are directed against children and young girls, and secondly, to rehabilitate the offender himself. Thus far we have done very little to discover either the cause or cure of sex crime. Nor have we done much more in the way of protecting the community from confirmed sex criminals.

Certain changes must be made in our legal machinery.

Man after man who is accused of sex crime, when examined after conviction, is found to be neither psychotic nor defective. Mayor La Guardia has had sex offenders examined at the Bellevue psychiatric clinic. The result was the same, the number of insane and feeble-minded was negligible. We know these offenders are psychopaths but society has thus far devised no means of dealing with them. Imprisonment serves only to keep them locked up. When their terms end they come out to repeat their offenses. Possibly they may have learned a little caution, but it is the rare psychopath who is able to profit from experience. The prison is not a psychiatric hospital, and it is doubtful that a prison can be expected to give adequate treatment.

A new type of protective custody is urgently indicated for these men, a combination prison and mental hospital. Men should not be sentenced to a hospital of this type for any fixed time. Discharge should be in the hands of competent psychiatrists, and in some cases it may be necessary to retain a patient in such an institution for the remainder of his life. Occupation is badly needed for this type of offender, perhaps even more so than for the general run. Parole supervision should be especially strict in these cases. It might even be cheaper in the case of unattached men for society to conduct a specialized workshop and boarding home, somewhat after the fashion of the home and shop conducted by the New York Association for the Blind. This might pay the man a small wage and permit him such measure of liberty as his conduct from time to time warrants. It is far cheaper for society to supervise the lives of these offenders than it is to let them continue unchecked in their criminal careers, which in some cases may terminate in homicide.

Our concern here, however, is with the sex offender

who is admitted to probation. What can we expect probation to do for him? In the first place, understanding of the individual and of his problems is prerequisite for any valid planning for his career on probation. This will involve certain attitudes on the part of his probation officer. If the officer regards the offender as a contemptible creature, someone to be dealt with routinely and jailed as quickly as he is detected in a violation, then it would be better to send the man to prison and forget about him. The probation department should regard him as a maladjusted individual, badly in need of social treatment. The organized social resources of the community must be utilized. Church and social agencies play an important role in his rehabilitation. He needs all the help he can get from his family and friends. He must be made to realize that society wants to help him for its own protection if for no higher motive.

In a word, the attitude the probation officer should bring to a sex case should be completely scientific, not legalistic, moralistic or condemnatory. This does not place the probation officer in the position of condoning crime. It makes him rather an understanding individual who is seeking to explore the springs of human conduct in order to help the individual offender.

The sex offender is apt to be an extremely insecure person at the point where he comes into the hands of the probation department. He may be ready to give up the struggle or he may present a surface appearance of indifference or hostility or possibly downright impertinence to mask his insecurity. His insecurity may manifest itself in what is seemingly too great dependence. It may be difficult to persuade him to go out and look for work. He may almost have to be led to it and encouraged to stay on the job, especially if it makes any demands on him, and especially if he fears that his employer and

others at the work place may know of his crime. He will possibly look to the probation officer to solve all of his problems and will be very much of a leaner. Despite the fact that this conduct is unsatisfactory, many things can be done gradually to withdraw the social props and enable the probationer to stand on his own feet. Self-dependence is the ideal outcome of probation treatment but this outcome cannot be produced in a brief period. The ideal relationship is the doctor-patient one, and the best therapeutic result will be achieved as the patient sees the probation officer showing a real and friendly interest in his welfare. We have occasionally said to patients: "Let's forget why you had to come here. Let's think about what you are going to be like next week, next month, or next year." The ideal probation relationship is one based on mutual respect. The patient is a person in need of help. It might be possible for a good probation officer to let the patient think that he in his turn is helping the officer in adding to the fund of the officer's knowledge and helping him acquire a good methodology of treatment.

The sex offender, like all other human beings, can and will respond to anyone who shows an interest in his welfare. He cannot be expected to adjust to the officer's satisfaction immediately. Plans may have to be changed several times, and in many cases we may see very little improvement.

There is no likelihood of our finding a solution of the problem of sex crime for some time to come. This does not mean, however, that we need despair of finding a solution. We have not yet found a specific for cancer or syphilis, or for that matter for a common cold. We have not yet solved the problem of delinquency itself, and sex offense is a type of delinquency. Patient research must continue, and in a great many cases therapeutic

research has been richly rewarding. The cooperative undertaking of the psychiatrist and the social scientist has proved at least that we are on the right track.

We can throw some light on the problem of sexual misbehavior from our general studies in delinquency. To the extent that crime is implicit in the social situation, we lessen the incentive to crime as we improve the social order. The new science of social psychiatry is rapidly coming into its own, and there is every reason to believe that it will have a definite contribution to make to the understanding of the sex offender.

Society is under a moral obligation to be intelligent in its study and treatment of the sex offender. Probation officers are the agents of society in dealing with him.

What conclusions seem valid at this stage in our study of the sex offender?

1 Much has still to be learned about the factors in the maladjustment of the sex offender.

2 The psychogenic and social factors in sex offenses vary so widely that they should be studied in each case.¹

3 The study should include a detailed investigation of the emotional relationships within the family as far back as the grandparents' generation, and it should include a detailed investigation of the social setting.

4 The study should also include a detailed personal history with especial reference to the environmental setting and the subject's place in the social order.

5 A large proportion of the cases appear to be so pre-disposed by constitution and environment that no other outcome would seem possible.

¹ Numbers 2 to 10 inclusive are quoted from "Psychogenic Factors in Overt Homosexuality" by George W. Henry *American Journal of Psychiatry* January 1937.

6 A large proportion of cases drift into their maladjustment because the obstacles to a conventional heterosexual adjustment have been overwhelming.

7 The value of therapeutic assistance can be determined only after a careful study has been made of each case.

8 A large number of the cases could have been prevented.

9 Prevention involves eugenics as well as mental hygiene and social case work for the predisposed individual and his family.

10 Further study of the sex offender is urgently indicated, not only for its own sake but because of the light it may be expected to throw on delinquency in general and for the additional insight which it gives to the understanding of recognized personality disorders.

11 Study can best be conducted by psychiatrists and social scientists.

12 The probation officer plays an important role in the evaluation and treatment of the life course of the sex offender: (a) in investigation, by bringing to the court the most reliable objective data concerning the offender; and (b) in supervision, as the active, authoritative agent in therapy.

White-Collar Criminality¹

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THIS paper is concerned with crime in relation to business. The economists are well acquainted with business methods but not accustomed to consider them from the point of view of crime; many sociologists are well acquainted with crime but not accustomed to consider it as expressed in business. This paper is an attempt to integrate these two bodies of knowledge. More accurately stated, it is a comparison of crime in the upper or white-collar class, composed of respectable or at least respected business and professional men, and crime in the lower class, composed of persons of low socioeconomic status. This comparison is made for the purpose of developing the theories of criminal behavior, not for the purpose of muckraking or of reforming anything except criminology.

The criminal statistics show unequivocally that crime *as popularly conceived and officially measured* has a high incidence in the lower class and a low incidence in the upper class. Less than two per cent of the persons committed to prisons in a year belong to the upper class. These statistics refer to criminals handled by the police, the criminal and juvenile courts, and the prisons; and to such crimes as murder, assault, burglary, robbery, larceny, sex offenses, and drunkenness. Traffic violations are excluded.

The criminologists have used the case histories and criminal statistics derived from these agencies of criminal

¹ Reprinted from *American Sociological Review* August 1940, American Sociological Society, University of Pittsburgh, Pittsburgh, Pa.

justice as their principal data. From them they have derived general theories of criminal behavior. These theories are that since crime is concentrated in the lower class it is caused by poverty or by personal and social characteristics believed to be associated statistically with poverty, including feeble-mindedness, psychopathic deviations, slum neighborhoods, and deteriorated families. This statement of course does not do justice to the qualifications and variations in the conventional theories of criminal behavior but it presents correctly their central tendency.

The thesis of this paper is that the conception and explanations of crime which have just been described are misleading and incorrect, that crime is in fact not closely correlated with poverty or with the psychopathic and sociopathic conditions associated with poverty, and that an adequate explanation of criminal behavior must proceed along quite different lines. The conventional explanations are invalid principally because they are derived from biased samples. The samples are biased in that they have not included vast areas of criminal behavior of persons not in the lower class. One of these neglected areas is the criminal behavior of business and professional men which will be analyzed in this paper.

Types of White-Collar Criminals

The "robber barons" of the last half of the nineteenth century were white-collar criminals as practically everyone now agrees. Their attitudes are illustrated by these statements: Colonel Vanderbilt asked, "You don't suppose you can run a railroad in accordance with the statutes, do you?" A. B. Stickney, a railroad president, said to sixteen other railroad presidents in the home of J. P. Morgan in 1890, "I have the utmost respect for you gentlemen individually, but as railroad presidents I wouldn't trust you with my watch out of my sight." Charles Fran-

cis Adams said, "The difficulty in railroad management . . . lies in the covetousness, want of good faith, and low moral tone of railway managers, in the complete absence of any high standard of commercial honesty."

The present day white-collar criminals, who are more suave and deceptive than the robber barons, are represented by Krueger, Stavisky, Whitney, Mitchell, Foshay, Insull, the Van Sweringens, Musica-Coster, Fall, Sinclair, and many other merchant princes and captains of finance and industry, and by a host of lesser followers. Their criminality has been demonstrated again and again in the investigations of land offices, railways, insurance, munitions, banking, public utilities, stock exchanges, the oil industry, real estate, reorganization committees, receiverships, bankruptcies, and politics. Individual cases of such criminality are reported frequently, and in many periods more important crime news may be found on the financial pages of newspapers than on the front pages. White-collar criminality is found in every occupation, as can be discovered readily in casual conversation with a representative of an occupation by asking him, "What crooked practices are found in your occupation?"

White-collar criminality in business is expressed most frequently in the form of misrepresentation in financial statements of corporations, manipulation in the stock exchange, commercial bribery, bribery of public officials directly or indirectly in order to secure favorable contracts and legislation, misrepresentation in advertising and salesmanship, embezzlement and misapplication of funds, short weights and measures and misgrading of commodities, tax frauds, misapplication of funds in receiverships and bankruptcies. These are what Al Capone called "the legitimate rackets." These and many others are found in abundance in the business world.

In the medical profession, which is here used as an ex-

ample because it is probably less criminalistic than some other professions, are found illegal sale of alcohol and narcotics, abortion, illegal services to underworld criminals, fraudulent reports and testimony in accident cases, extreme cases of unnecessary treatment, fake specialists, restriction of competition, and fee splitting. Fee splitting is a violation of a specific law in many states and a violation of the conditions of admission to the practice of medicine in all. The physician who participates in fee splitting tends to send his patients to the surgeon who will give him the largest fee rather than to the surgeon who will do the best work. It has been reported that two-thirds of the surgeons in New York City split fees, and that more than one-half of the physicians in a central western city who answered a questionnaire on this point favored fee splitting.

These varied types of white-collar crimes in business and the professions consist principally of violation of delegated or implied trust, and many of them can be reduced to two categories: misrepresentation of asset values, and duplicity in the manipulation of power. The first is approximately the same as fraud or swindling; the second is similar to the double-cross. The latter is illustrated by the corporation director who, acting on inside information, purchases land which the corporation will need and sells it at a fantastic profit to his corporation. The principle of this duplicity is that the offender holds two antagonistic positions, one of which is a position of trust, which is violated, generally by misapplication of funds, in the interest of the other position. A football coach permitted to referee a game in which his own team was playing would illustrate this antagonism of positions. Such situations cannot be completely avoided in a complicated business structure, but many concerns make a practice of assuming such antagonistic functions and regularly

violating the trust thus delegated to them. When compelled by law to make a separation of their functions, they make a nominal separation and continue by subterfuge to maintain the two positions.

Prevalence of This Criminality

An accurate statistical comparison of the crimes of the two classes is not available. The most extensive evidence regarding the nature and prevalence of white-collar criminality is found in the reports of the larger investigations to which reference was made. Because of its scattered character, that evidence is assumed rather than summarized here. A few statements will be presented, as illustrations rather than as proof of the prevalence of this criminality.

The Federal Trade Commission in 1920 reported that commercial bribery was a prevalent and common practice in many industries. In certain chain stores the net shortage in weights was sufficient to pay 3.4 per cent on the investment in those commodities. Of the cans of ether sold to the Army in 1923-1925, 70 per cent were rejected because of impurities. In Indiana during the summer of 1934, 40 per cent of the ice cream samples tested in a routine manner by the Division of Public Health were in violation of law. The Comptroller of the Currency in 1908 reported that violations of law were found in 75 per cent of the banks examined in a three months' period. Lie detector tests of all employees in several Chicago banks, supported in almost all cases by confessions, showed that 20 per cent of them had stolen bank property. A public accountant estimated, in the period prior to the Securities and Exchange Commission, that 80 per cent of the financial statements of corporations were misleading. James M. Beck said, "Diogenes would have been hard put to it to find an honest man in the Wall

Street which I knew as a corporation lawyer" (in 1916).

White-collar criminality in politics, which is generally recognized as fairly prevalent, has been used by some as a rough gauge by which to measure white-collar criminality in business. James A. Farley said, "The standards of conduct are as high among officeholders and politicians as they are in commercial life," and Cermak, while mayor of Chicago, said, "There is less graft in politics than in business." John Flynn wrote, "The average politician is the merest amateur in the gentle art of graft, compared with his brother in the field of business." And Walter Lippmann wrote, "Poor as they are, the standards of public life are so much more social than those of business that financiers who enter politics regard themselves as philanthropists."

These statements obviously do not give a precise measurement of the relative criminality of the white-collar class, but they are adequate evidence that crime is not so highly concentrated in the lower class as the usual statistics indicate. Also, these statements obviously do not mean that every business and professional man is a criminal, just as the usual theories do not mean that every man in the lower class is a criminal. On the other hand the preceding statements refer in many cases to the leading corporations in America and are not restricted to the disreputable business and professional men who are called quacks, ambulance chasers, bucketshop operators, deadbeats, and fly-by-night swindlers.¹

¹ Perhaps it should be repeated that "white-collar" (upper) and "lower" classes merely designate persons of high and low socioeconomic status. Income and amount of money involved in the crime are not the sole criteria. Many persons of "low" socioeconomic status are white-collar criminals in the sense that they are well dressed, well educated, and have high incomes, but white-collar as used in this paper means respected, socially accepted and approved, looked up to. Some people in this class may not be well dressed or educated, nor have high incomes, although the "upper" usually exceeds the "lower" class in these respects as well as in social status.

Financial Cost

The financial cost of white-collar crime is probably several times as great as the financial cost of all the crimes which are customarily regarded as the crime problem. An officer of a grocery store chain in one year embezzled \$600,000, which was six times as much as the annual losses from five hundred burglaries and robberies of the stores in that chain. Public enemies numbered one to six secured \$130,000 by burglary and robbery in 1938, while the sum stolen by Krueger is estimated at \$250,000,000, or nearly two thousand times as much. *The New York Times* in 1931 reported four cases of embezzlement in the United States with a loss of more than a million dollars each and a combined loss of nine million dollars. Although a million dollar burglar or robber is practically unheard of, these million dollar embezzlers are small fry among white-collar criminals. The estimated loss to investors in one investment trust from 1929 to 1935 was \$580,000,000, due primarily to the fact that 75 per cent of the values in the portfolio were in securities of affiliated companies, although it advertised the importance of diversification in investments and its expert services in selecting safe securities. In Chicago the claim was made six years ago that householders had lost \$54,000,000 in two years during the administration of a city sealer who granted immunity from inspection to stores which provided Christmas baskets for his constituents.

The financial loss from white-collar crime, great as it is, is less important than the damage to social relations. White-collar crimes violate trust and therefore create distrust, which lowers social morale and produces social disorganization on a large scale. Other crimes produce relatively little effect on social institutions or social organization.

Criteria

White-collar crime is real crime. It is not ordinarily called crime and calling it by this name does not make it worse, just as refraining from calling it crime does not make it better than it otherwise would be. It is called crime here in order to bring it within the scope of criminology, a label which is justified because such practices are in violation of the criminal law. The crucial question in this analysis is the criterion of violation. Conviction in the criminal court, which is sometimes suggested as the criterion, is not adequate because a large proportion of those who commit crimes are not convicted in criminal courts. This criterion therefore needs to be supplemented. When it is supplemented the criterion of the crimes of one class must be kept consistent in general terms with the criterion of the crimes of the other class. The definition should not be the spirit of the law for white-collar crimes and the letter of the law for other crimes, or in other respects be more liberal for one class than for the other. Since this discussion is concerned with the conventional theories of the criminologists, the criterion of white-collar crime must be justified in terms of the procedures of those criminologists in dealing with other crimes. The criterion of white-collar crimes as here proposed supplements convictions in the criminal courts in four respects, in each of which the extension is justified because the criminologists who present the conventional theories of criminal behavior make the same extension in principle.

First, other agencies than the criminal court must be included, for the criminal court is not the only agency which makes official decisions regarding violations of the criminal law. The juvenile court, dealing largely with offenses of the children of the poor, in many states is not under the criminal jurisdiction. The criminologists have made

much use of case histories and statistics of juvenile delinquents in constructing their theories of criminal behavior. This justifies the inclusion of agencies other than the criminal court which deal with white-collar offenses. The most important of these agencies are the administrative boards, bureaus, or commissions, and much of their work, although certainly not all, consists of cases which are in violation of the criminal law. The Federal Trade Commission recently ordered several automobile companies to stop advertising their interest rate on instalment purchases as 6 per cent since it was actually $11\frac{1}{2}$ per cent. Also it filed complaint against *Good Housekeeping*, one of the Hearst publications, charging that its seals led the public to believe that all products bearing those seals had been tested in their laboratories, an assumption which was contrary to fact. Each of these involves a charge of dishonesty which might have been tried in a criminal court as fraud. A large proportion of the cases before these boards should be included in the data of the criminologists. Failure to do so is a principal reason for the bias in their samples and the errors in their generalizations.

Second, for both classes behavior which would have a reasonable expectancy of conviction if tried in a criminal court or substitute agency should be defined as criminal. In this respect convictability rather than actual conviction should be the criterion of criminality. The criminologists would not hesitate to accept as data a verified case history of a person who was a criminal but had never been convicted. Similarly it is justifiable to include white-collar criminals who have not been convicted, provided reliable evidence is available. Evidence regarding such cases appears in many civil suits such as stockholders' suits and patent infringement suits. These cases might have been referred to the criminal court but they were referred to the civil court because the injured party was more inter-

ested in securing damages than in seeing punishment inflicted. This also happens in embezzlement cases regarding which surety companies have much evidence. In a short consecutive series of embezzlements known to a surety company 90 per cent were not prosecuted because prosecution would interfere with restitution or salvage. The evidence in cases of embezzlement is generally conclusive and would probably have been sufficient to justify conviction in all of the cases in this series.

Third, behavior should be defined as criminal if conviction is avoided merely because of pressure which is brought to bear on the court or substitute agency. Gangsters and racketeers have been relatively immune in many cities because of their pressure on prospective witnesses and public officials, and professional thieves such as pickpockets and confidence men who do not use strong-arm methods are even more frequently immune. The conventional criminologists do not hesitate to include the life histories of such criminals as data because they understand the generic relation of the pressures to the failure to convict. Similarly white-collar criminals are relatively immune because of the class bias of the courts and the power of their class to influence the implementation and administration of the law. This class bias affects not merely present day courts but to a much greater degree affected the earlier courts which established the precedents and rules of procedure of the courts today. Consequently it is justifiable to interpret the actual or potential failures of conviction in the light of known facts regarding the pressures brought to bear on the agencies which deal with offenders.

Fourth, persons who are accessory to a crime should be included among white-collar criminals as they are among other criminals. When the Federal Bureau of Investigation deals with a case of kidnapping it is not content with catching the offenders who carried away the

victim; it may catch and the court may convict twenty-five other persons who assisted by secreting the victim, negotiating the ransom, or putting the ransom money into circulation. On the other hand the prosecution of white-collar criminals frequently stops with one offender. Political graft almost always involves collusion between politicians and business men but prosecutions are generally limited to the politicians. Judge Manton was found guilty of accepting \$664,000 in bribes, but the six or eight important commercial concerns that paid the bribes have not been prosecuted. Pendergast, the late boss of Kansas City, was convicted for failure to report as a part of his income \$315,000 received in bribes from insurance companies, but the insurance companies which paid the bribes have not been prosecuted. In an investigation of an embezzlement by the president of a bank at least a dozen other violations of law, which were related to this embezzlement and involved most of the other officers of the bank and the officers of the clearing house, were discovered but none of the others was prosecuted.

Administrative Differences

This analysis of the criterion of white-collar criminality results in the conclusion that a description of white-collar criminality in general terms will be also a description of the criminality of the lower class. The respects in which the crimes of the two classes differ are the incidentals rather than the essentials of criminality. They differ principally in the implementation of the criminal laws which apply to them. The crimes of the lower class are handled by policemen, prosecutors, and judges, with penal sanctions in the form of fines, imprisonment, and death. The crimes of the upper class either result in no official action at all, or results in suits for damages in civil courts, or are handled by inspectors, or by administrative

boards or commissions, with penal sanctions in the form of warnings, orders to cease and desist, occasionally the loss of a license, and only in extreme cases by fines or prison sentences. Thus the white-collar criminals are segregated administratively from other criminals, and largely as a consequence of this are not regarded as real criminals by themselves, the general public, or the criminologists.

This difference in the implementation of the criminal law is due principally to the difference in the social position of the two types of offenders. Judge Woodward, when imposing sentence upon the officials of the H. O. Stone and Company, bankrupt real estate firm in Chicago, who had been convicted in 1933 of the use of the mails to defraud, said to them, "You are men of affairs, of experience, of refinement and culture, of excellent reputation and standing in the business and social world." That statement might be used as a general characterization of white-collar criminals for they are oriented basically to legitimate and respectable careers. Because of their social status they have a loud voice in determining what goes into the statutes and how the criminal law as it affects themselves is implemented and administered. This may be illustrated from the Pure Food and Drug Law. Between 1879 and 1906, 140 pure food and drug bills were presented in Congress and all failed because of the importance of the persons who would be affected. It took a highly dramatic performance by Dr. Wiley in 1906 to induce Congress to enact the law. That law, however, did not create a new crime, just as the federal Lindbergh kidnapping law did not create a new crime; it merely provided a more efficient implementation of a principle which had been formulated previously in state laws. When an amendment to this law, which would bring within the scope of its agents fraudulent statements made over the

radio or in the press, was presented to Congress, the publishers and advertisers organized support and sent a lobby to Washington which successfully fought the amendment principally under the slogans of "freedom of the press" and "dangers of bureaucracy." This proposed amendment also would not have created a new crime, for the state laws already prohibited fraudulent statements over the radio or in the press; it would have implemented the law so it could have been enforced. Finally, the administration has not been able to enforce the law as it has desired because of the pressures by the offenders against the law, sometimes brought to bear through the head of the Department of Agriculture, sometimes through congressmen who threaten cuts in the appropriation, and sometimes by others. The statement of Daniel Drew, a pious old fraud, describes the criminal law with some accuracy, "Law is like a cobweb; it's made for flies and the smaller kinds of insects, so to speak, but lets the big bumblebees break through. When technicalities of the law stood in my way I have always been able to brush them aside easy as anything."

Upper Class Influence

The preceding analysis should be regarded neither as an assertion that all efforts to influence legislation and its administration are reprehensible nor as a particularistic interpretation of the criminal law. It means only that the upper class has greater influence in molding the criminal law and its administration to its own interests than does the lower class. The privileged position of white-collar criminals before the law results to a slight extent from bribery and political pressures, principally from the respect in which they are held and without special effort on their part. The most powerful group in medieval society secured relative immunity by "benefit of clergy,"

and now our most powerful groups secure relative immunity by "benefit of business or profession."

In contrast with the power of the white-collar criminals is the weakness of their victims. Consumers, investors, and stockholders are unorganized, lack technical knowledge, and cannot protect themselves. Daniel Drew, after taking a large sum of money by sharp practice from Vanderbilt in the Erie deal, concluded that it was a mistake to take money from a powerful man on the same level as himself and declared that in the future he would confine his efforts to outsiders scattered all over the country who wouldn't be able to organize and fight back. White-collar criminality flourishes at points where powerful business and professional men come in contact with persons who are weak. In this respect it is similar to stealing candy from a baby. Many of the crimes of the lower class, on the other hand, are committed against persons of wealth and power in the form of burglary and robbery. Because of this difference in the comparative power of the victims, the white-collar criminals enjoy relative immunity.

Embezzlement is an interesting exception to white-collar criminality in this respect. Embezzlement is usually theft from an employer by an employee, and the employee is less capable of manipulating social and legal forces in his own interest than is the employer. As might have been expected, the laws regarding embezzlement were formulated long before laws for the protection of investors and consumers.

Criminality Not Due to Poverty

The theory that criminal behavior in general is due either to poverty or to the psychopathic and sociopathic conditions associated with poverty now can be shown to be invalid for three reasons. First, the generalization is based on a biased sample which omits almost entirely the

behavior of white-collar criminals. The criminologists have restricted their data, for reasons of convenience and ignorance rather than of principle, largely to cases dealt with in criminal and juvenile courts, and these agencies are used principally for criminals from the lower economic strata. Consequently their data are grossly biased from the point of view of the economic status of criminals, and their generalization that criminality is closely associated with poverty is not justified.

Second, the generalization that criminality is closely associated with poverty obviously does not apply to white-collar criminals. With a small number of exceptions, they are not in poverty, were not reared in slums or badly deteriorated families, and are not feeble-minded or psychopathic. They were seldom problem children in their earlier years and did not appear in juvenile courts or child guidance clinics. The proposition, derived from the data used by the conventional criminologists, that "the criminal of today was the problem child of yesterday" is seldom true of white-collar criminals. The idea that the causes of criminality are to be found almost exclusively in childhood is similarly fallacious. Even if poverty is extended to include the economic stresses which afflict business in a period of depression, it is not closely correlated with white-collar criminality. Probably at no time within fifty years have white-collar crimes in the field of investments and of corporate management been so extensive as during the boom period of the twenties.

Third, the conventional theories do not even explain lower class criminality. The sociopathic and psychopathic factors which have been emphasized doubtless have something to do with crime causation, but these factors have not been related to a general process which is found both in white-collar criminality and lower class criminality and therefore they do not explain the crimi-

nality of either class. They may explain the manner or method of crime, for instance why lower class criminals commit burglary or robbery rather than false pretenses.

In view of these defects in the conventional theories, an hypothesis that will explain both white-collar criminality and lower class criminality is needed. For reasons of economy, simplicity, and logic, the hypothesis should apply to both classes for this will make possible the analysis of causal factors freed from the encumbrances of the administrative devices which have led criminologists astray. Shaw and McKay and others, working exclusively in the field of lower class crime, have found the conventional theories inadequate to account for variations within the data of lower class crime and from that point of view have been working toward an explanation of crime in terms of a more general social process. Such efforts will be greatly aided by the procedure which has been described.

A Suggested Hypothesis

The hypothesis which is here suggested as a substitute for the conventional theories is that white-collar criminality, just as other systematic criminality, is learned; that it is learned in direct or indirect association with those who already practice the behavior; and that those who learn this criminal behavior are segregated from frequent and intimate contacts with law-abiding behavior. Whether a person becomes a criminal or not is determined largely by the comparative frequency and intimacy of his contacts with the two types of behavior. This may be called the process of differential association. It is a genetic explanation both of white-collar criminality and lower class criminality. Those who become white-collar criminals generally start their careers in good neighborhoods and good homes, graduate from colleges with some

idealism, and with little selection on their part get into particular business situations in which criminality is practically a folkway and are inducted into that system of behavior just as into any other folkway. The lower class criminals generally start their careers in deteriorated neighborhoods and families, find delinquents at hand from whom they acquire the attitudes toward crime and the techniques of crime, and in partial segregation from law-abiding people. The essentials of the process are the same for the two classes of criminals. This is not entirely a process of assimilation for inventions are frequently made, perhaps more frequently in white-collar crime than in lower class crime. The inventive geniuses for the lower class criminals are generally professional criminals, while the inventive geniuses for many kinds of white-collar crime are generally lawyers.

A second general process is social disorganization in the community. Differential association culminates in crime because the community is not organized solidly against that behavior. The law is pressing in one direction and other forces are pressing in the opposite direction. In business the "rules of the game" conflict with the legal rules. A business man who wants to obey the law is driven by his competitors to adopt their methods. This is well illustrated by the persistence of commercial bribery in spite of the strenuous efforts of business organizations to eliminate it. Groups and individuals are individuated; they are more concerned with their specialized group or individual interests than with the larger welfare. Consequently it is not possible for the community to present a solid front in opposition to crime. The better business bureaus and crime commissions, composed of business and professional men, attack burglary, robbery, and cheap swindles but overlook the crimes of their own members. The forces which impinge on the lower class are similarly

in conflict. Social disorganization affects the two classes in similar ways.

I have presented a brief and general description of white-collar criminality on a framework of argument regarding theories of criminal behavior. That argument, stripped of the description, may be stated in the following propositions:

1 White-collar criminality is real criminality, being in all cases in violation of the criminal law.

2 White-collar criminality differs from lower class criminality principally in an implementation of the criminal law which segregates white-collar criminals administratively from other criminals.

3 The theories of the criminologists that crime is due to poverty or to psychopathic and sociopathic conditions statistically associated with poverty are invalid because, first, they are derived from samples which are grossly biased with respect to socioeconomic status; second, they do not apply to the white-collar criminals; and third, they do not even explain the criminality of the lower class since the factors are not related to a general process characteristic of all criminality.

4 A theory of criminal behavior which will explain both white-collar criminality and lower class criminality is needed.

5 An hypothesis of this nature is suggested in terms of differential association and social disorganization.

Friend of the Court in Family Cases

EDWARD POKORNY

Friend of the Court, Circuit Court, Detroit, Michigan

THE name of the special department of our court puzzles many people and results in many letters to us upon the nature of our work. What are the duties of a "friend of the court"? Why should a court, which has the police power of the state to help enforce its court orders, need a friend?

The name is a translation of the Latin *amicus curiae*. In practice a friend of the court is one who, for the assistance of the court, gives information on some matter of law in regard to which the court is doubtful or mistaken. Bouvier's law dictionary further states that the custom cannot be traced to its origin but is immemorial in the English law.

This function has been recognized by various courts from their beginning in this country. It has been held that anyone as *amicus curiae* may make application to the court in favor of an infant, though he be no relation. Any attorney as *amicus curiae* may move the dismissal of a fictitious suit or a suit in which there is no jurisdiction.

Prior to the organization of this department in the circuit court of Wayne county, Michigan in January 1918, a real domestic relations problem presented itself to our judges who granted decrees of divorce and separate maintenance, incorporating therein orders for the support of children or childless wives, with no administrative machinery to enforce these orders. The common practice was the filing by lawyers of contempt proceedings in cases of default. These attorneys had the right to charge a

reasonable fee for their services, the payment of which became a real hardship upon the poor and destitute dependents.

Wayne county was growing in population with an increase in the number of divorce suits. The judges of the circuit court decided to appoint a lawyer at county expense to represent the court in the enforcement of its orders and to make investigations where necessary. The first duties of this officer were to enforce court orders providing for payment of allowances for the support of children and alimony for the support of wives. Naturally the business of the office grew rapidly because no charge was made for services.

In 1925 the court gave us the responsibility of making investigations on motions for temporary alimony and submitting reports and recommendations. Thereafter more assignments were given to us, one of them during the worst years of the depression being to represent unemployed home owners who were in danger of losing their homes in mortgage and land contract foreclosures and forfeitures.

At this time the scope of our work embraces administrative duties and investigation of all controversial facts in domestic relations cases, except the hearing of proofs and granting of a decree of divorce. Reconciliations also come within our field. Court rules confer upon the friend of the court the duty of investigating and making recommendations on all motions in divorce, separate maintenance and annulment cases and no motion shall be heard or passed on by the court unless the report and recommendation of the friend of the court is in the file. Any attorney may file written objections to the recommendation of the friend of the court and may make full argument in open court at the time of the hearing of the motion.

Support Orders

In thousands of court orders that are entered requiring husbands to contribute towards the support of wives and children, it is specified that the husband pay this money to the friend of the court. We have an up to date bookkeeping and mechanical system in the cashier's department with a cashier, assistant cashier, bookkeeper, three clerks and three stenographers and typists. In 1939 there was paid to this department for the support of children and wives \$1,950,144.60.

The workers avoid controversial issues between the parties in relation to how much has been paid and how much is owing, a common complaint before the establishment of the department. It has this further advantage in cases where, upon a prosecution for contempt of court for noncompliance with the court order, the husband may pay a large lump sum of money, from \$200 to \$1000 or \$1500. After hearing a report from our department as to the wife's capacity to competently handle money, the court may order payment to the wife in weekly or monthly instalments, depending upon her needs.

In illegitimacy cases where settlements are made and the money is paid to the friend of the court, the order may specify the payment of this sum in weekly instalments. The social workers in our community, particularly those attached to maternity hospitals, welcome the assistance that this department gives them by collecting money for hospital expenses. The amount is being somewhat standardized, varying from \$35 to \$55. The court order may allow the respondent to pay the hospital expenses in small instalments of from \$.50 to \$1 a week.

By rule of the court no divorce case will be heard where there are minor children unless a report and recommendation is filed. In 1939 we filed 3097 reports and recommendations. During the same period we filed 4155

reports and recommendations in temporary alimony motions. We instituted 5029 prosecutions in contempt proceedings for noncompliance with court orders, most of which relate to payment of support money. Because of a material change in the financial circumstances of the parties since the entry of an interlocutory or permanent order, we filed 1067 special reports and recommendations.

Because of our knowledge of facts obtained during interviews and investigations, the court requested that we file in motions to advance divorce cases a report with recommendations. During 1939 we filed 157 reports on that type of motion. The grand total of reports with recommendations and orders to show cause filed during 1939 was 13,505.

This large volume of business necessarily means contacting thousands of people—husbands, wives, children and witnesses—and during last year assistants and investigators interviewed 56,146 people at this office in relation to some phase of a domestic relations problem.

Our court receives a full report of material factors in illegitimacy cases after the plea of guilty has been received or a jury renders its verdict of guilty. The report reveals the family background of the individuals concerned, the man's capacity and ability to pay. There are recorded in our department approximately 2110 illegitimacy cases, some being inactive or closed by operation of law.

Special Problems

In the third judicial circuit comprising Wayne county, Michigan, there are eighteen circuit judges to whom are assigned in rotation alimony motions, orders to show cause, and divorce hearings. Interlocutory orders and decrees are entered. By court rule the judge who entered the order retains jurisdiction and must hear all proceedings to enforce the terms thereof. This procedure gives

the judge a better understanding of the problems involved, and with the assistance and information given by a court officer he can more satisfactorily dispose of controversial matters.

One of the most disturbing problems in the enforcement of alimony decrees arises where the husband remarries and produces a second set of children. Often he is a common workman receiving ordinary wages, so he soon finds it impossible to contribute to the support of the children of the first marriage. It is difficult by argument or reasoning to change his attitude as to his utter lack of capacity to support the first children. From an economic point of view he may be right. However, the legal responsibilities fixed in a divorce decree cannot be disregarded and the law must be upheld. This type of case is not easily solved, notwithstanding the father's sincerity and his promise of future support when he is threatened with prosecution. In one case one child was born of the first marriage and four of the second marriage. For years the father refused to support his first child. We were unusually lenient and generous towards him in trying to get him to change his attitude. When all efforts failed one course remained—prosecution for contempt of court. He defended himself on the ground of total incapacity because of new family obligations. The lower court held that in this situation the child of the first marriage had a priority over the second group, largely for the reason that the father's obligations were adjudicated when the decree was entered and any marital contractual relation entered into by the father thereafter became subject to the rights of the first child. The lower court was extremely lenient with the respondent and committed him to jail for a period of six months, to be released upon the payment of fifty dollars. His attorney filed a petition in the Supreme Court for a writ of habeas

corpus and certiorari. The Supreme Court held that the action of the lower court was justified by the record and dismissed the petition.

The solution of some of the problems involving enforcement of alimony decrees is comparable to a hairline decision made by a baseball umpire—he calls the play as he sees it. For example, a decree of divorce was entered in a certain cause where no minor children were involved. The husband was ordered to pay \$50 a month permanent alimony for the support of his wife. The wife had an adult son by a previous marriage who had married and had one child. The son did not get along with his wife and a decree of divorce was entered in his case ordering him to pay \$50 a month for the support of his minor child. Thereafter his former stepfather married his ex-wife. The son and his mother moved to another state where he obtained employment and is supporting his mother but is not contributing to the support of his own child. The childless ex-wife complained that her ex-husband was not paying \$50 a month for her support. The ex-husband countered with the claim that he is supporting his former wife's grandchild to the extent of \$50 a month and that one set of circumstances should offset the other.

Probably one of the most common factors involved is the inability of alimony payers to adhere rigidly to living within a definite or limited income. Rare is the man who claims he has no creditors. It is easy to say that the rights of the wives and children come first but that will not stop a creditor from commencing suit and garnishing wages. Here is an opportunity for judges and court officers to work out a plan of budget supervision. With the cooperation of the husband a plan can sometimes be arranged whereby his pay check is delivered to the court officer who awards a certain sum to the husband for

necessary living expenses, a portion to the wife for the support of herself and the children, and the balance to creditors on a percentage basis. The creditors, even though they receive a small part of their bill, should not object provided payments are made with regularity.

Controversial Cases

A decree of divorce was entered in one case requiring the defendant husband to pay \$8 a week for the support of two minor children. A short time later the man remarried and he now has three children by his second marriage. He is employed and his income averages \$25 a week.

The first wife insists that he obey the order of the court for the support of the children of the first marriage. His second wife insists that her children are equally his responsibility and should have proper care. The husband pays a smaller amount than was ordered, claiming it is impossible to pay more because he must meet the rent, necessary household expenditures, clothing needs, etc. He states he is doing everything humanly possible and is unable to earn more money; that he realizes his obligation; that he has reached the limit of his physical and mental endurance and can carry on no longer and would welcome a jail term for contempt of court.

The problem is one which embodies not only the legal enforcement of this order but also the social consequences of the enforcement. If this order is enforced to the full extent there is no doubt that his present home cannot be maintained and that the children of his second wife would suffer greatly for lack of the vital necessities of life. If the order is not enforced then the two children of his former marriage will be denied the much needed financial assistance of their father. Which way shall the

pendulum of justice swing? Either way innocent little souls will suffer.

It is a simple matter to lose sight of the legal principles involved if the social aspect and consequences are considered. What is the solution of this grave and important question? It is possible that as civilization advances this problem will be ultimately decided, but on the other hand, it may never be decided because man is mortal and subject to the frailties of human nature.

A decree of divorce was entered in another instance ordering the defendant husband to pay \$25 a week for the support of the plaintiff wife and a minor child of sixteen, to continue until the child attained the age of eighteen years or until the remarriage of the former wife.

The husband paid regularly until his suspicions were aroused that his wife had remarried. An investigation revealed no legal marriage and no cohabitation to establish a common-law marriage. However, the woman and the alleged husband had executed a mortgage and she had signed her name as his wife. The woman explained her action by stating that she was not married; had never lived or cohabited with this man, but intended to marry him in the future and signed the deed upon the insistence of this man who stated it would facilitate the issuance of the mortgage.

The wife seeks the enforcement of the alimony order. For the sake of argument it is agreed that no marriage of any kind was ever consummated and the only evidence is the mortgage bearing the woman's signature as the wife of another man. If she is not married, then she has perjured herself and committed a fraud upon the mortgage company; if she is married, the order is unenforceable. The legal entanglements become endlessly involved, but enforcement of the original order in behalf of the wife will give the husband an opportunity to prove

that she has changed her social status.

At the time the decree was granted in a third case Mr. X had a good position with the Y Corporation. No minor children were involved but an order of \$12 a week permanent alimony was entered. This alimony was paid each week regularly. Suddenly, about May 1, 1938, through an unexpected turn of affairs, this man found himself out of employment without fault on his part. The change being entirely unexpected, he had no opportunity to arrange his affairs, and except for a few dollars in petty cash he was without funds.

Mrs. X discovered this when her check failed to arrive punctually and immediately made a complaint to our office. Mr. X reported promptly, advising us of the circumstances, admitted his obligation to pay the full amount of \$12 a week, and promised to make up all arrears as soon as he got on his feet financially. In the meantime he was attempting to work on a commission basis and made a few small payments out of his earnings. This did not fit into Mrs. X's concept of the situation. She had apparently been living on this income and making few attempts to adjust her finances so that she would be more or less independent. Regardless of circumstances, she felt that Mr. X should be required to pay by the court. She therefore filed a petition for an order to show cause.

Receiving this petition Mr. X realized the gravity of the situation. Upon being informed that Mrs. X was entitled to her day in court, he obtained the services of an attorney. This attorney immediately took steps to modify the decree and reduce the alimony. When the contempt proceedings came up for hearing the man was ordered to continue paying according to his ability until the hearing of the modification of the decree. The final outcome was the reduction of the alimony order to \$6 a week and the man showed his sincerity by paying this sum regularly

out of an income of only \$16 a week. If this woman had accepted the situation she would have had the full amount of money coming in with an arrearage that would undoubtedly have been paid when the man's financial situation improved. Her unwise action in attempting to enforce the court order in an impossible situation resulted in a substantial loss to herself.

A decree of divorce provided that one man was to pay \$4 a week for the support of one minor child. He thereafter married a woman with seven children. He was laid off at his place of employment and applied for welfare aid in the amount of \$13.39 a week for himself, his new wife and her seven children. Subsequently the man was given a WPA job and earned \$13.84 a week. His former wife has also remarried but insists that the man pay as required by court order, claiming that her child comes before his stepchildren. He states he cannot pay as he owes certain bills to credit houses and owes also for electricity, gas, etc., and that he does not make enough to support his present family with the necessities of life. He further states that if he is forced to pay his present wife will leave him.

This case presents essentially a social problem. When this man was obtaining welfare aid he was not in contempt of court as he did not have capacity to pay. Now that he is employed he earns approximately the same amount as was given him as welfare aid and yet he may now be in contempt. No doubt this WPA job was given to him by the welfare agency so that it would not be required to assist him and his family. If he is required to pay for the support of his child as required by the decree of divorce, the purpose for which he was given this job will be defeated.

If he complies with the order he will not have enough to support his present family and they will receive no

help from the welfare agency as the man is employed. From this it appears that his compliance would cause the breakup of the present family. If the rights of the first child are given preference over those of the stepchildren no more than a dollar or two a week could be allotted. The man would then be expected to support two adults and seven children on about \$12 a week.

VI INDIVIDUALIZED TREATMENT, ADULT AND JUVENILE



The Value of Case Work to the Probationer

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ONE question repeatedly raised in our discussions of the various aspects of probation proposes that the treatment function of the court might be more effectively administered if it were removed from its present authoritative setting and placed in the hands of other existing social agencies, either public or private. Although there can be no clear-cut answer which will hold for both urban and rural communities, an examination of the fundamentals underlying the treatment of delinquent behavior may throw some light on the question. If an authoritative setting is essential, and I firmly believe that it is, then the question may possibly reduce itself to the application of modern case work practice to probation rather than the transfer of the treatment function to other case working agencies.

The application of case work to the field of probation has been gradual but its present extent gives promise of steady growth and development. The value of case work to the probationer cannot be measured in simple tangible terms but we have had the opportunity of observing its potentialities. When we stop to examine the delicate and highly complex nature of the responsibilities of a probation officer, we gain some insight into the validity of such an approach.

Three major factors appear to have hindered the widespread introduction of the recent developments of case work into the probation field. In the first place, the concept of delinquency and crime has been steeped in the tradition of punishment and restraint. The offense has been the major concern and the offender has been punished in accordance with the type and seriousness of his delinquent act. A method of treatment which takes the individual into consideration frequently has been regarded as taking the edge off punishment and therefore defeating the very purpose of the judicial process. The extension of the juvenile court age from sixteen to eighteen years in Pennsylvania in September of 1939 has met with a series of criticisms which give evidence to the prevalence of the punishing attitude. A chief of police in a small community made a newspaper statement to the effect that the extended jurisdiction of the juvenile court had "hamstrung his police force" as these culprits now had to be taken before a "lollypop court." Others stated that it was a "crime to mollycoddle these adolescent criminals."

However, other recent developments, such as the widespread use of presentence investigations in criminal procedure, show recognition of the need for a socialized approach. The American Law Institute, whose purpose it is "to clarify and simplify the law, to better adapt it to social needs, to secure the better administration of justice, and to encourage scholarly and scientific work," gives momentum to the development of an enlightened approach in which the offender rather than the offense becomes the focus of attention.

Secondly, the community at large has been slow to accept the necessity of a career service for those engaged in the field of probation. The lack of experience and educational requirements, the low salaries, the uncertainty

of tenure and the indifference to the size of case loads give evidence to the fact that probation has not as yet been accorded professional status. The result has been that probation in many communities is a mere gesture with heavy odds against any possibility of rehabilitation of the offender. On the other hand, the increasing use of merit systems for the appointment of probation personnel indicates recognition on the part of the community of the necessity of setting and maintaining standards.

The Use of Authority

Furthermore, case work practice, which has made such strides in the last decade, at first seemed irreconcilable with the exercise of authority. How could an individual confronted with the power of a court which was beyond his control, and which could arbitrarily deprive him of his freedom, make constructive use of a helping process? Would not any desire he might have to help himself be stymied by these forces imposed upon him from without? How could a court to which is delegated the duty of enforcing compliance with the normal restrictions of society employ a method which recognizes the individual's inner capacity as the key to his adjustment, and the necessity of his participating in the process of rehabilitation?

Backtracking over the history of probation we find that there has been a continuous struggle with the effective use of authority. At one moment the probation officer was wedded to authority and at another he was as completely divorced from it as he could possibly be. The punishing approach has probably been the more prevalent of the two extremes because of the general attitude that society must avenge itself against the offender. It was easily administered as anyone could preach to the probationer or frighten him with the aid of an officer's badge. It was similar to the old remedy of sulphur and

molasses which was administered on the slightest provocation. Needless to say, the punishing approach has been found wanting. The officer in effect became the law, and because of its personal basis the relationship frequently resolved itself into a battle of wills between the officer and the probationer. If the latter didn't rebel against this crude use of authority he was paralyzed with fright and his confusion and problem were only accentuated. This use of power might be compared to bandaging a festering wound without first examining and treating the wound itself. Extenuating circumstances and the personality of the individual were brushed aside with complete disregard for motivating factors, individual differences, and constructive measures. The offender had committed a delinquent act and the officer was interested only in keeping him in line by refreshing his memory of the dire consequences which would follow if the act were repeated.

The Sentimental Approach

Equally blind and unrealistic was the sentimental approach in which the officer absolved the probationer of all responsibility. The offender was told in effect that the past would be forgotten, that it was just too bad that he had been arrested as it was really society's fault and not his. It is probably this attitude which has justified the labels, "sob sister" and "mollycoddling." The primary concern of the officer was to win the probationer's confidence by any possible means with the thought that he might be bribed into being good. Again, needless to say, this sentimental approach was also found wanting. In the vast majority of cases of delinquency the offender has failed to exercise normal restraint and it is a false move to aid and abet him in placing the blame elsewhere. Such an attitude is only likely to lead him into further and more serious difficulties. Further-

more, if the officer overindulges in friendliness he will find himself on dangerous ground. For instance, when a child who has been told that he can count upon his probation officer as his friend in need, is subsequently involved in another infraction of the law, the officer is faced with the alternative of betraying the child's confidence by recommending further deprivation of freedom if such is warranted, or failing in his responsibility to both the child and the community by not holding him to account. Irresponsibility and utter disrespect for authority of any kind might easily be the end result.

The Case Work Approach

An examination of the probation function indicates clearly that the modern practice of case work offers a positive and constructive process which I firmly believe can be reconciled with an authoritative setting. A social rather than a civil court has a dual function of protecting and preserving the welfare of the community and at the same time of helping the offender to make a satisfactory adjustment. In facing the task squarely we find that we have on the one hand the offender who is a human being possessed of all those intangible and unpredictable qualities which go to make up human behavior. On the other hand we have the community which is possessed of sanctions and laws so essential to its well-being. Probation, which has come to be an integral part of court procedure, must therefore provide an approach to delinquent behavior with a realistic acceptance of the need for authoritative rules and regulations as well as a realistic acceptance of the offender as an individual different from every other individual.

Probation implies that release is granted or sentence is suspended conditional upon satisfactory behavior. It is a trial period during which the convicted offender is

given an opportunity to conduct himself in such a way that he will be acceptable to the community. Although probation is but one of the many dispositions which a court may make on the basis of a social investigation, its use will increase as it becomes a more effective method of treatment. Its potentialities have only begun to be realized; partly because unduly heavy case loads have forced the probation officer to spend the greater proportion of his time upon the investigation of new cases at the sacrifice of adequate supervision of probationers; and partly because we as probation officers have been confused as to how we should properly exercise our delegated authority. If probation is to have real meaning something new must be injected into the probationer's experience which will assist him in achieving a sense of equilibrium and harmony between himself and the community. Although probation has always employed an individualized approach it all too frequently lacks those vital but consciously directed forces which go to make up a constructive experience. Routine visits in the nature of a checkup, no matter how carefully recorded, give nothing more than a chronological chart of the course of behavior of the offender. It is a static kind of relationship — merely a period of observation or restraint which the individual may endure in a docile fashion as a means of earning his freedom, just as a prison inmate may seek an early parole by good behavior. It is a period of sufferance, a kind of blackout, in which the offender's attitude and outlook are not changed one iota. The offender in a sense remains on dead center during this period of time. Such probation is meaningless. Probation may even be a destructive influence, especially if the offender feels that his freedom actually has not been conditioned upon his own behavior. A haphazard relationship leaves the offender with the feeling that he has gotten away

with something. This frequently is the tendency if the term of probation is definitely set by the court and has no relation to the kind or extent of adjustment that is necessary.

Probation, I firmly believe, can be set up within a framework which offers a helpful and constructive experience to the offender. To do so we accept the necessity of law and order and at the same time recognize that an individual cannot be forced to conform. We can assist him in helping himself but we cannot impose a new pattern of behavior upon him against his will. It is our function as probation officers to help the offender clearly understand his own situation and to assist him to make a satisfying adjustment to the circumstances which surround him without coming into conflict with society.

Developing Responsibility

The authoritative setting of courts and probation is not mere happenstance. It plays a vital role in the entire court experience. The authority of the court may become one of the dynamic factors in the relationship between the offender and the officer. Perhaps for the first time the individual is confronted by this new kind of force which transcends anything which he has previously known. Although he has been aware of authority in many areas of his life such as parental and school authority, he is now face to face with a power which can deprive him of his freedom. He has not come to the court for help of his own volition. The very reality of this force sets into motion his fundamental reactions and attitudes. It represents a sharply defined and kaleidoscopic experience which serves as a kind of testing ground in which he has an opportunity to reorient himself. In a sense those intangible rules and regulations inherent in society suddenly become resolved into very tangible limitations in

the form of the investigation, the hearing or trial, the necessity for reporting to the probation officer and observing the regulations governing probation. These limitations are symbolic of the limitations which exist for all of us in the community. How will he react to this new and critical experience? The responsibility for meeting this crisis is squarely upon his own shoulders. He may be utterly defiant or he may be irresponsible about keeping his appointments with the officer, or he may report regularly but present a tight-lipped barrier which the officer cannot penetrate. In this experience the probation officer has the opportunity, not only of observing the offender's behavior pattern and action, but of assisting him in clarifying his attitudes and feelings and in working together with him to find ways and means of satisfying his personal and social needs without coming into conflict with the law. A sound interpretation of what probation means without the use of threats gives the probationer an opportunity to decide for himself whether he will conform or continue to defy discipline. Whether it be a change in attitude or a change in circumstances, or both which may be required, the officer, if he is alert and understanding, is in a position to see the problem more clearly by reason of the fact that it is brought out in sharp relief. In short, the presence of authority serves to precipitate a reaction on the part of the offender and thereby provides a springboard, so to speak, for the relationship between the delinquent and the probation officer.

Although I firmly believe in the wisdom and necessity of referring cases to social agencies on the basis of a carefully defined and discriminating referral policy, I am convinced that it would be impractical for both courts and agencies to transfer the treatment function to other agencies in toto. The authority of the court offers a

meeting ground on which the offender and the worker get together. It is the force which engages them, so to speak, and becomes a vital factor as a point of departure. Once the element of authority is removed, this springboard is lost.

This point is better understood when it is recognized that the delinquent as distinguished from the neurotic expresses his impulses in aggressive overt action rather than in repression of his desires and withdrawal into himself. No general statement is justified, but there is a tendency for the delinquent type to resolve his conflict in action and consequently he does not feel the need of help. The impetus in his case must come from without, whereas in the truly neurotic type the impulse to seek help comes from within because of the pressure of the conflict from within.

In addition to providing a sharply defined experience and a meeting ground, authority also serves to sustain the relationship between the worker and the delinquent, inasmuch as the delinquent does not come to the court of his own volition. The case working agency, divorced from this authoritative setting, has no other alternative but to close the case when his client does not take hold. The probation officer, on the other hand, offers help to the probationer with a clear understanding that his ultimate freedom is dependent upon his constructive use of the probation experience. Although the officer cannot control the use the probationer makes of this help, authority provides a limit which may help the offender to come to terms with himself and society.

Authority also provides a supporting quality, frequently enabling an individual to come to a decision which he is unable to make of his own volition. There are crises in life so overwhelming in their nature that the individual, lacking the strength within himself to meet the

situation, finds support in an external force until such time as he can find it within himself. When it is recognized that delinquency reflects instability, the value of this support can be appreciated. It enables the probation officer to differentiate between a chronic instability growing out of inherent weakness or deficiency, as opposed to a temporary instability growing out of extenuating circumstances.

If this conception of probation as a possible period of growth and change growing out of a dynamic relationship is acceptable, we find that the two methods previously described are incapable of bringing about the desired result. The punishing approach ruled out the individuality of the offender by riding over him in a roughshod fashion with no recognition of his personal needs and conflicts or of his capacity for redirection. The approach was motivated entirely by the need for imposing social restrictions and it condemned the offender from the very outset. The sentimental approach on the other hand not only assumed that the offender was not responsible for his actions, but also ruled out the reality of and need for social restrictions.

Case Work Principles

The basic principles of modern case work offer a method and content which can be applied to the probation function. Case work for our purposes may be defined as a process of attempting to understand the needs, impulses and actions of an individual and of helping him to reorganize these in a way that is satisfying to himself and yet in accord with the demands of social living. It is concerned with the release of individual capacities as well as the relieving of environmental pressures.

One of the basic concepts of social case work is that treatment cannot be forced upon another person. Domi-

nation or paternalism seldom if ever brings about effective results. To help another person we must accept him as he is with an honest respect for his capacity as well as regard for his need to solve his own problem with whatever help the worker can give him. The case worker is concerned with assisting the individual to realize his own capacities to the fullest extent, as well as to orient him to the resources existing within his environment which will provide a satisfying outlet. In short, change to be effective depends upon the individual's willingness to help himself. A finely spun plan is utterly useless unless the probationer participates in making it and it becomes a part of him. He must be assisted in finding his own way at his own pace, otherwise a superstructure is imposed upon a foundation which cannot sustain it. A small degree of constructive change which is securely implanted within the individual will serve him far better than rapid change, which, when the support is removed, falls as does a house of cards.

Understanding Human Behavior

The moment we recognize the individual rather than the offense as the focus of attention we must also recognize the necessity of the probation officer's having specialized insight into human behavior. The worker's native ability is by far the more important factor, but to be helpful to others this native ability must be transformed into skills and insights which can be used in a conscious and purposeful manner by the worker. Self-discipline of the worker which enables him to differentiate his own feelings and attitudes from those of his client is essential. This self-discipline, acquired through supervised experience and specialized training, minimizes the possibility that the worker will impose his own ideas and prejudices on the person whom he is trying to help.

The necessity for continually expanding our knowledge and understanding of human behavior can readily be seen when we consider how lies and fabrications may have such different meanings. For instance, there is a striking difference between the child who indulges in a bit of fantasy and insists that there is a lion in his bed, and the adult who is suffering from paranoia and insists that he is continually seeing people pursuing him with a gun. A young lady told with great pride of having two jobs. Upon inquiry she stated that she and her father were directors of the State Hospital for the Insane. She said that she also trained all the policemen and firemen in the city of Philadelphia. At that point two policemen came into the building and she was asked if she trained these two men. She replied quickly: "Oh, those two sons of guns, they don't turn up for rehearsal." Contrast this with the case of a boy who, caught "red handed" by a policeman, absolutely denied having broken into a garage. Every phase of behavior has a different meaning for each individual, and treatment if it is to be effective must be differentiated according to the individual's need.

Case work offers a realistic approach to a realistic problem. We cannot manipulate human beings and mold them to our own preconceived patterns. Nor can we endow them with intelligence and qualities which they do not possess. But we frequently can help them to reorganize and better use the capacities which they do possess. There are no formulas which we can readily apply which will bring about the desired result, but we can sharply define in a warm but objective manner the alternatives which confront a delinquent in order that he may redirect his behavior if he has the strength and will to do so. We have long since recognized that there is no one cause of delinquency and that there can be no one solution. Surely an honest attempt to understand

the individual and the factors contributing to his delinquency cannot be labeled as mollycoddling or as a lollypop attitude. If it is our responsibility to help reconcile the delinquent with the demands of social living, then it is only intelligent that we should learn as much as we can and develop a method which is constructive. Our task can be hindered or facilitated by our use of authority because it is a keen-edged instrument. It may be compared to the physician's scalpel which in skilful hands makes a clear-cut incision facilitating the easy removal of the diseased organ. The self-same scalpel in unskilful hands may result in nothing more than an ugly wound over a deeper disorder.

These very ramifications of the responsibilities attending the treatment of delinquent behavior prompted the Municipal Court of Philadelphia two years after its creation in 1913 to establish a medical department to throw further light upon the probation officer's investigation. Physical, psychological and psychiatric examinations have become an integral part of our procedure. The unusually broad jurisdiction of the court has made possible the gradual but steady application of this socialized approach which originated in the juvenile division, to the misdemeanants, domestic relations, criminal and adoptions divisions of the court. The very fact that this socialized approach has not been confined to the juvenile delinquent but has been applied to other branches of the court concerned with more serious offenses, bears evidence of its practicability and effectiveness as a sound method. Only through such a process of strengthening the probationer as an individual in relation to his environment can we hope to prevent the recurrence of delinquency and crime.

Administrative Procedures and Case Work Services

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PROBATION officer is an ugly term, so ugly that in some states probation officers are referred to as counsellors, as friends of the court, or are called by other euphemisms. Unfortunately but inevitably the term probation officer appears to set off in the minds of a certain group a sequence of thinking which culminates in the picture of a paunchy, cigar-smoking ward heeler equipped with gun and handcuffs who is solely interested in flashing a shield and drawing his monthly pay check.

Social work thinking has changed and developed during the past two or three decades. So has probation thinking. However, some case workers seem unwilling to keep pace with the developments in probation. This group, although quite willing to recognize that social work philosophy has traveled far from the days of almsgiving, is nevertheless persistent in viewing probation today as it was in the days of cashmere shawls and voluminous skirts, when horse-drawn buggies paraded down Beacon street and the first probation officer, the kindly John Augustus, encouraged his customers to bring to him their hopes and discouragements.

That this uninformed concept of probation does exist is evident not only from popular discussions but from so-called scientific investigations into the function and procedure of probation departments. These generally bring into sharp relief the following points which to us

are untenable: (1) that the legal approach and the case work approach are at variance since the former is based upon the equality of all before the law, while the latter stresses the need for individualization; (2) that the law is concerned with protecting the community whereas case work sees the best interests of the community served through the appropriate treatment of the individual based on an understanding of his problem in relation to the rights of society; (3) that the law acts on authoritative prerogatives in its use of punishment for the protection of society whereas case work rests for the most part on the voluntary application of a client for services; (4) that under the law it is advantageous for the probationer to admit as little as possible whereas in a case work relationship the client can be helped only if he will share his problems with the case worker.

Probation, as I know it is practiced, negates the specious reasoning that case work and probation, with its alleged legal limitations, are by their very nature inharmonious. The purpose of this paper is to demonstrate that there is nothing in the aims of probation and the machinery established for achieving them which is at variance with case work objectives and practices. That this fact is not generally accepted is partially due to probation's inability to find and develop vehicles for interpretation not only to the public but to the field of social work.

The erroneous ideas which some case workers have concerning probation stem mainly from contacts with probation departments which are not equipped to practice case work and do not claim to do so. However, the same situation can be found in the general field of social work wherein we also find agencies unable to conform to even minimal standards. With reference to private social agencies we sometimes find ourselves confronted with the same situation, even though in some schools of

social thinking private agency is synonymous with case work agency, and public agency still symbolizes a blundering and futile group presumptuously clinging to the tail of the case work kite.

In considering whether or not probation philosophy is at variance with case work philosophy it is imperative that we confine our discussion to probation departments which by virtue of standards, staff and finances are able to discharge properly their obligations to the individual and the community. It must also be recognized that in the delinquency area we deal with maladjustments which have assumed such grave proportions that they are inimical not only to the individual in his immediate situation but to the community as a whole. Because the community's well-being requires it we are at times compelled to assume responsibility for individuals who are unamenable to case work therapy. However, we also recognize that a few individuals at the other end of the distribution curve are not in need of case work services and are perfectly capable, with some little guidance, of working out a solution to their problems.

Authority in Case Work

Only too widely does the thought exist that case work services are rendered ineffective in probation departments because of the presence of authority which brings with it its concomitant—enforced relationship. Authority reduced to its simplest terms is nothing more than an implement for orderliness. Authority may be divided into two categories. The first is that of natural law, or moral authority which is self-imposed. Call it conscience, censor, super-ego or what you will—all of us are subjected to it. The second is social authority. All of us are subjected to this too, for laws and social norms are the foundation of society and without them peaceful, productive life is im-

possible even among primitive peoples. It is neither authority nor restriction we resent, but the manner in which the authority is exercised; not the use but the abuse and misuse of authority is destructive. Each one of us is daily subjected to restrictions and if we understand the need for these restrictions we accept them. We rebel at the imposition of arbitrary, unreasonable conditions and so does the probationer. Thus the probation officer is confronted with the problem of interpreting the authoritative aspects of probation to the probationer, thereby relating treatment to the latter's capacity to profit from the planned use of authority.

We find the presence of authority in private agencies as well as in public. This authority is manifested in intake policy, in the closing of cases, and in the final analysis, in the need of having the client conform to the plan of treatment mutually developed by client and case worker. Authoritative controls exist in both the delinquent and nondelinquent fields. They stem from different sources, one from laws and social norms, the other from boards of directors; nevertheless they flow towards the same ultimate objectives.

A probation department has a dual function, protecting society and helping the individual probationer. The first function does not automatically remove the probation officer from the neutral position of the case worker. Probation recognizes that the best interests of society are served by the adjustment of the individual probationer. In any code of ethics for the social case worker may be found the statement that the case worker's first duty is towards his client unless the performance of this duty jeopardizes the welfare of the community; with this no probation administrator has any quarrel.

The stereotype that probation is case work "with the punch of the law behind it" must be relegated to the

limbo of outworn thoughts. In probation, as well as in other forms of social treatment, it is recognized that some persons are to be met with authority, some with gentleness, and all with an understanding individualized approach. It would appear axiomatic that before any permanent adjustment can take place the probationer or client must be helped to acquire habits of self-discipline. It may be that it is only through the use of planned but not necessarily legal authority that self-discipline can be acquired.

A good deal of time is ill-used if not wasted in discussions of the theoretical basis of the use and value of authority. When social work was struggling to have the public accept and respect its philosophy and function, probation with its legal background was welcomed. It was believed that with a legal background and an authoritative foundation, the field of social work could progress much further than the voluntary and haphazard relationships of those days could possibly permit in other types of case work. Is it true that the skills and techniques of social case work have become so perfected and standardized that the authoritative approach, formerly so welcome, can now be discarded entirely? If our treatment processes totally reject the use of authority, then our treatment processes are divorced from reality and we shall revert to the type of sentimentalism which formerly caused us to be regarded as incurable romanticists.

Education and Authority

The field of education has provided us with an excellent object lesson if we are willing to accept it. More than a decade ago educators, rebelling against the overformalized curriculum of our school system, developed the so-called progressive schools in which all authority disappeared and free expression and uninhibited activity on the

part of the child were stressed. The educational system is now reaping the rewards of the extremes of these natural schools; these uninhibited children find it extremely difficult to adjust to secondary and collegiate education; psychiatrists and educators recognize that this group reared on free expression will have to be reoriented before it can take its place in society as it is today. Utopia will perhaps be a place where everyone is uninhibited but educators recognize that the school's function is to train the child for society as it is today and will be tomorrow, and not for a nebulous golden age. Any realistic approach to problems of training and of adjustment must accept the presence of authority and utilize it upon a planned individualized basis.

Enforced relationship in the so-called authoritarian agency has been the subject of much discussion. A rational treatment of this question must be based upon the concept that all behavior reflects the needs of the individual. We all possess drives which in one form or another express basic needs. If we probe deeply and carefully we will find that the causes for crime are basically not different from the causes which result in applications for assistance to any social agency. Delinquent behavior and other forms of conflict are generally compensating substitutes for experiences and impulses which the individual fears to recognize and dares not express. The tension resulting creates frustration and fear. Whether or not the release takes the form of a criminal act is purely fortuitous and is dependent upon the attitudes and tensions operating at the time. Is the so-called voluntary client any more willing than the probationer to face or discuss the basic causes of his maladjustment?

If we accept the fact that the probation officer's work concerns itself with helping the man under supervision to bring to conscious expression his underlying emotional

conflicts and thus rid these deep-seated unknown drives of their tension and potency, and if we recognize that the probationer's moral decisions must be his own, not the probation officer's, then is the generic problem of interpretation with which the probation officer is faced any different from that which must be met by the case worker?

First Contacts

The statement is frequently made that the probation officer's first contact with his client, which may be in a prison cell, creates a situation wherein a case work relationship is next to impossible; that the physical surroundings and emotions experienced by the defendant may be so negative as to make impossible further service by a probation officer identified with that experience. May not the converse be true and may not the probation officer be gratefully identified as the person instrumental in effecting the defendant's release? Are not the psychological bars behind which a client shamefacedly and with the recognition of inadequacy seeks aid as strong as the physical bars of a cell? There are probationers who accept probation gladly and who have some concept of its meaning. Even with these the problem of interpretation remains.

Can we not disabuse ourselves of the idea that the first interview puts the fear of the law into the probationer, and that during subsequent interviews the officer is under a cloud of fear lest his probationer violates probation? The first interview is one of interpretation. Furthermore, probation officers are not blamed for violations. Probation administrators and judges are not so backward that they cannot understand that no man can be held responsible for another man's actions.

Why should the social worker assume that under planned probationary treatment the fear of jail is so

tremendously operative especially when the probationer has already survived a detention period in jail? The average probationer is no more in fear of being returned to jail for a violation of probation than is the client of the private agency of having his case closed. The probationer to whom the service aspects of probation cannot be interpreted and who rejects them is the individual who is not amenable to probationary supervision and who will probably be returned for commitment. These probationers represent but a negligible percentage of cases. In the area of enforced relationship our problem, though possibly more difficult than that of the private agency, is still a problem of interpretation.

Conditions of probation are frequently regarded as additional barriers to the development of the case work relationship. Therapy in a private agency calls for conformance with a designated plan leading to wholesome social and family life. Conditions of probation are nothing else. They are standard rules of social behavior which you and I accept as everyday routine.

Reporting, sometimes regarded with horror as a kind of Frankenstein monster, is identical to the interview situation of the private agency. A probation department which has the respect and confidence of its judiciary and the community can easily establish a flexible procedure with respect to the number and occasion of reports. With a socialized judiciary, progressive administration, and a trained staff, supervision procedures lose their negative and irritant qualities and become positive and constructive forces in the treatment process. Is it possible that many of our difficulties in seeing eye to eye with some of our contemporaries in the field of social work resolve themselves into a matter of terminology?

The common thought that judges impose rigid restrictions upon the case work aspects of probationary super-

vision is erroneous. Where probation has attained its proper position it functions upon a basis which is about ninety-five per cent administrative discretion and five per cent legal and judiciary restriction. Can it not be argued that this allows for greater administrative freedom than is permitted to the private agency head whose policies are controlled by its board of directors, whose practices may be meddled with by its committee of patronesses, and whose freedom of action is often stringently limited by the terms of endowment or charter?

Rejection and Commitment

Both the public and private agency in their case work processes are confronted with the problem of maladjustment. The area in which we all are interested is that of treatment. Maladjustment may result in the closing of the case or in commitment. In fact for purposes of therapy commitment of a probationer in some instances may be more desirable than the closing of a case by a private agency. A correctional institution, if it is a proper one, will continue to aim its efforts towards the eventual adjustment of the inmate. No matter how broad are plans or how effective is personnel, rejection of services by the client of a social agency inevitably brings with it rejection on the part of the agency.

Probation departments, like other case work agencies, upon finding treatment ineffective must close the case. Probation departments use commitment as an understanding parent who finds that all reasoning has failed resorts to stronger measures. It is recognized that such measures may not be too efficient and may be only temporary but they are our best answer to the needs of a situation which cannot be met in a more satisfactory way.

Commitment is desirable provided that institutionalization is used not because of the impatience, frayed

nerves and lack of resourcefulness of the officer but as a rational solution to an apparent need. It may be advantageously utilized with venereally infected persons refusing treatment, potentially dangerous psychoneurotics and others who require a controlled environment. Unless we are willing to discard our entire system of jurisprudence and penal philosophy we must recognize that institutions may and do prepare inmates for community living.

When a probation department closes a case by discharging a probationer, either at the expiration of the probationary period or prior thereto, it recognizes that case work services are no longer necessary. If the statutory period of probation has expired and the probationer is still in need of services two channels are open. The probationer may be treated as a post-probation case or referred to another social agency for followup work. In probation departments which maintain adequate standards these courses are followed.

There is no question but that public agencies recognize their responsibilities in the treatment area. Possibly because they are responsible to the public they have developed not only standards but also criteria for evaluating the efficacy of their therapeutic processes. These evaluations are new and in some instances faulty, but the prevalence of efforts at scientific determination of crime causation, the development of prediction tables, the critical evaluation of successes and failures, indicate a desire to meet problems on a realistic and self-critical level. Endeavors to determine the value and effectiveness of treatment appear today to be characteristic of the public agency of the future.

Control through the Court

A mistaken impression has also developed with respect to the problem of intake. We hear it stressed that pro-

bation departments cannot be expected to utilize case work processes to the best advantage because of their lack of control over intake. There is a definite control and it is exercised by an individual who has been much maligned. In the field of probation intake is controlled by the judge aided by the chief probation officer.

The judge has been criticized by many people not adequately conversant with actual facts who continue to regard all judges as well-meaning ignoramuses or futile political hacks.

Charles L. Chute, executive director of the National Probation Association, has reached the core of the so-called intake problem in saying: "It has been demonstrated conclusively that by the thorough investigation of every case, including mental examination where called for, and with a probation staff of such high caliber that its recommendations are almost invariably followed by the judges, the granting of probation to unfit probationers, whether first or subsequent offenders, can be practically eliminated."

Personnel

In any discussion of the problems of probation departments the ogre of unqualified personnel always raises its ugly head. At best workers and executives in the private agency field are tolerant towards the less trained workers in the field of delinquency. Of course on the basis of personal knowledge I can speak only for the state of New York, but here I can unequivocally say that the field of probation is now demanding and attracting a group of trained, enthusiastic men and women who are on the same level with the workers in any private agency. As a matter of fact most probation officers are now being recruited from private agencies with high standards.

The qualifications set by the chief probation officer in

the Court of General Sessions of New York county for admission to a civil service examination to be given next month for the position of probation officer at a salary of \$3000 are the following: (1) graduation from a college or university of recognized standing by which a bachelor's degree is granted, and in addition, graduation from an approved graduate school of social work or equivalent graduate education in the social sciences; or (2) graduation from a college or university of recognized standing by which a bachelor's degree is granted, with emphasis on studies in sociology, psychology and criminology, and in addition at least three years of satisfactory field work or supervisory experience (full time basis) in social work with an agency adhering to acceptable standards. These or similar requirements are undoubtedly being established in many states.

The query may well arise as to the presence on our staffs of the "old-timers" who have worked in the field for years but who cannot meet the foregoing or more rigorous requirements. Almost every agency, public or private, has such persons. The responsibility for meeting the educational needs of these workers rests with the administrator upon whom it is incumbent to develop in-service training programs which will stimulate the staff towards study and self-development.

Let us, however, approach this problem from another angle. Is it not true that there are executives in the private agency field as well as in the field of probation who lack the formal requirements now necessary for field workers in their own agencies? This situation exists because we are still in a transitional stage in the field of social work. The administrator whose reputation is established is seldom criticized for his lack of formal training. Is it right to condemn the field worker who through long years of hard work has acquired the skills necessary to

help people though he may not flaunt an involved terminology learned in a school of social work? Social work has not been ungrateful to its pioneers. Does it ask us to discard the men and women who struggled to make probation a reality?

The men and women in the field of probation have few illusions. We recognize that inherent in any dynamic field of endeavor are limitations which can be met only by constant struggle. We know that some judges may not be socially minded, that newspapers may distort public opinion, and that these distortions inevitably have repercussions on an elected judiciary; that some uninformed legislatures pass inadequate probation laws or harass us with statutory restrictions which make the problems of case work extremely difficult; that some penny-wise and pound-foolish budgeting authorities hamstringing us; that some probation administrators lack vision and ability; that some probation departments are ineffective and politically controlled; that case loads are too high; and that probation officers generally are woefully underpaid.

These and more are obstacles with which we are confronted but they are being met and they are no more insurmountable than those which the pioneers in the broad field of social work successfully faced. Nor are they more grave than those which the private agency field must meet now in a period when they are confronted with the need of redefinition of function.

If there are unique limitations imposed upon case work services in the field of probation, they are not inherent in its basic philosophy but are present because we are in a period of expansion and development. If we can maintain our present pace, then the time is not far distant when the myth of inherent limitations will have been exploded and probation will take its legitimate place in the pattern of social treatment.

The Contribution of Group Work to Case Work with Delinquents

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ONE of the reassuring tendencies of the past decade has been that agencies have begun to apply the brakes on the delinquency-prevention bandwagon. Caution and circumspection have begun to replace exaggerated and uncertain claims concerning their effectiveness in preventing delinquency. One of the needs of the decade upon which we are now entering is to become equally discriminating and discerning in relation to the treatment of juvenile delinquents. The National Probation Association has given leadership to both of these developments. This leadership is reflected in its magazine and its yearbooks. The group worker has been particularly attracted by such articles as those by Robert Heininger, Harry M. Shulman and Clifford R. Shaw. Happily these new emphases within the probation field are being accompanied by related adjustments in the practice of case work and group work. These adjustments are reflected in recent activity and writing on the part of such distinguished leaders as S. R. Slavson, Alexander R. Martin, Margaret Svendsen and others. And both these sets of adjustments are being supported by a growing body of basic research and experimentation which immediately calls to mind the names of Aichhorn, Alexander, Bronner, Carr, the Gluecks, Healy, Levy, Redl, Shaw, and Valentine.

The topic which has been assigned for this present discussion is a formidable one. Possibly we should break into it abruptly by asserting that it involves what may well be thought of as "the twilight zone" between group work and case work. We need to see clearly what we mean by group work when we think of it in relation to case work and probation work. May I quote briefly from a paper which I read before the social work section earlier this week:

Group work is at once an educational principle and an educational process. It has no objectives of its own except in the sense that by its very nature it derives both its meaning and its motivation from democracy; and insofar as it operates in harmony with the basic principles of democratic procedure, it necessarily produces and projects objectives within the process itself.

This being the case, group work represents a resource available to many different agencies in different fields. By itself group work does not constitute a field. Its application to date has been made, in the main, by agencies supplying services in relation to play, recreation and informal education.

Because of this dominant alignment and because in play, recreation and informal education, voluntary participation, flexible groupings, creative expression and cooperative control constitute such central characteristics, group work probably functions more effectively in these areas of experience. Group work therefore requires a positive and constructive orientation. Its effectiveness is reduced wherever the orientation is negative or narrowly preventive. Group work is not primarily a procedure to prevent delinquency nor is it a form of treatment for clients. Group work is a specialized and constructive approach to creative experience.

This conception of group work has been expressed in many different ways and in many different connections. Last week in Boston at the annual convention of the Boys' Clubs of America I had the privilege of hearing a report read by Dr. Alexander R. Martin on behalf of a national commission on counseling and guidance of which he is the chairman. The report impressed me so

much that I am going to share it with you. It is brief and I know of nothing more appropriate with which to introduce a more detailed consideration of our subject. The very first recommendation of the commission was to change its name and the significance of this one recommendation affects the tenor of the entire report.

- 1 A more appropriate name for this commission would be "Commission on the Relationship of Boys and Their Problems to Boys' Club Personnel and Program."
- 2 The term "counseling and guidance" is thus extended to mean a service reaching every boy, and rendered not by a special department but by a wholly integrated club personnel and program.
- 3 This service should be governed by the realization that all boys have problems to be understood; that their problems differ in degree more than in kind; and that extreme problems lead boys to resort to extreme solutions.
- 4 Only through a knowledge of the nature, frequency, and intensity of such problems can a club be adequately prepared to provide the appropriate policies, relationships, and experiences which will simplify and not aggravate these problems.
- 5 Informal, nonstigmatizing interviews with all new members by a specialist should be used to sensitize personnel to the problems confronting their boys. Guided by this continuous flow of material, interpreted and presented to the staff by the specialist, the personnel will endeavor to meet the needs and problems of various ages by means of their everyday relationships and program. They will learn wherein they are failing to meet these problems and wherein they may be inadvertently creating new ones or perpetuating the old ones.
- 6 There should be special sensitization to certain family relationships which by their intensity create such serious problems for a great many boys as: lack of parental affection, favoritism, brother rivalry, exploitation by parents, overprotection.
- 7 Integration with the medical and vocational guidance departments and with community resources is essential to gain

a greater awareness of boys' problems and to assist in their alleviation and solution.

- 8 Personnel emotionally equipped to work with boys should be selected. Sensitization, however, should be directed towards developing the latent potentialities of existing personnel, thus improving their ability to recognize and deal with boys' problems.
- 9 This service makes adequate provision for many types of problem boys without singling them out. Acutely deviated boys should be referred to the proper agency.
- 10 This service could function with the part time services of a properly qualified specialist giving at least six hours a week.

We have referred to a "twilight zone." I use this term to apply to an area in which we use a combined individual and group approach with persons whose problems have become sufficiently acute to result in varying degrees of unadjustment, including behavior which has been adjudged delinquent. The more one examines into this area the more apparent it becomes that a variety of combinations of treatment is involved. Tentatively it would seem that they classify roughly into three categories: (1) treatment in a group; (2) simple group treatment; and (3) group therapy. You may wish to test this out in your own thinking, and as a preliminary exercise I would suggest that you read six articles—two presumably for each type of treatment. For the first type, treatment in a group, I suggest Alexander R. Martin's, "Psychiatry in a Boys' Club," *American Journal of Orthopsychiatry*, January 1939; and by the same author, "The Application of Certain Psychiatric Theories to the Field of Group Work" in *They Say About Group Work* (1940) edited by Robert M. Heininger and available through the Union Settlement of Hartford, Connecticut. For the second type of treatment, simple group treatment, I suggest Harry M. Shulman's,

"Group Work — a New Program for Probation" in *Trends in Crime Treatment*, the National Probation Association Yearbook for 1939; and by the same author, "Re-educative Activity for Delinquent Youth" in the *Jewish Social Service Quarterly* for June 1936. For the third type of treatment, group therapy, I suggest S. R. Slavson's, "Group Therapy," in *Mental Hygiene*, January 1940; and an earlier article by the same title in the Proceedings of the National Conference of Jewish Social Work for 1937.

During recent years as we have noted there has been an intensification of research and experimental activity combined with more deliberate efforts on the part of many practitioners to adapt new knowledge to treatment efforts. These developments have resulted in a substantial redefinition of the situation.

New Concepts

We conceive of *delinquency* in new terms. Healy and Bronner on the one hand and Clifford R. Shaw on the other have given us a new orientation. We conceive of the use of the *group* in new terms, influenced profoundly by men like Aichhorn, Moreno, Kurt Lewin, and others. We conceive of *leadership* in new terms as dynamic relationship, nonauthoritative, nonjudgmental, nonstigmatizing,—leadership in Fritz Redl's interpretation as "the central person around whom group emotion becomes crystallized."

Some of these new conceptions probably ought to be set down in the record, as it were, as a point of departure for the more specific argument involved in these present remarks. As I see it, eight elements enter into our redefinition of our problem. First, we recognize now that attempts to fit the delinquent or the predelinquent child into the framework of normal play groups within agencies

of recreation and informal education have not been markedly successful.

Second, we recognize further that selective factors operate to differentiate agencies in terms of their inherent ability to attract the unadjusted and particularly the delinquent child.

Third, we recognize that delinquency is a formal, artificial and rather arbitrary social definition for specific forms of behavior which from the standpoint of the delinquent are rational, purposive and highly meaningful.

Fourth, we recognize that delinquency so defined results primarily from faulty emotional relationships in the family, producing intense feelings of deprivation, inadequacy and frustration in relation either to ego-impulses or the desire for affection. To quote Healy and Bronner, "It is commonly held that neighborhood conditions, bad associates, poor recreation, etc. are accountable for the production of delinquency. In truth these are destructive influences, but seeking further it appears that at some varying distance upstream in the sequence of delinquent causation there are almost always deeply felt discomforts arising from unsatisfying human relationships . . . No one finding was so discriminatory between the pairs [of delinquents and nondelinquents in the same families] as the fact that at least ninety-one per cent of the delinquents gave clear evidence of being or of having been extremely disturbed because of emotion-provoking relationships with others, mainly with others in the family."¹

Fifth, we recognize that growing out of this knowledge there are significant implications for the way in which leadership may be conceived and related to delinquents. The observations of Healy and Bronner underscore the conception of leadership which Fritz Redl has

¹ William Healy and Augusta Bronner *New Light on Delinquency and Its Treatment* New Haven, Yale University Press 1936, p. 201-203

developed and to which we have already referred.

"As we looked into the lives of these young people it was clear, for one thing, that social restraints and inhibitions were in many instances absent because of poor formation of what is so aptly termed an ego-ideal. There had been no strong emotional tieup to anyone who presented a pattern of satisfactory social behavior. To put it another way, the child had never had an affectional identification with one who seemed to him a good parent. The father or mother either had not played a role that was admired by the child or else on account of the lack of a deep love relationship was not accepted as an ideal . . . the objective facts are plain enough. If from nowhere else, it would have been made clear to us from our present comparative studies that the effectiveness of moral teaching and of good example is dependent on emotional values attached to them by the child."¹

Sixth, we recognize that delinquents can be classified into prognostic groupings on the basis of the nature, intensity and circumstances of their delinquent behavior, and that treatment to be most effective must utilize such categories in establishing appropriate relationships and programs.

Referring to the work of Healy and Bronner again, it may be of interest to note that in reviewing three groups of delinquents where the prognostication has been based primarily on individual factors, the percentages found definitely nondelinquent in followup were nineteen per cent for Group I (all those delinquents who cannot be considered hopeful for treatment under even ordinarily good conditions of family and community life); thirty-eight per cent for Group II (all those cases in which the social pathology, particularly as involving human relation-

¹ Op. cit. p. 10-11

ships within or outside the family circle, appears to weigh so heavily against the possibility of successful treatment of the delinquent in his family environment that the given situation seems largely hopeless); and seventy-two per cent for Group III (cases in which after thorough investigation or earliest attempts at treatment, the outcome seemed hopeful).¹

Other students, including S. R. Slavson, Margaret Svendsen and Fritz Redl, are also experimenting with prognostic groupings with not dissimilar results, and all of us await with interest Dr. Redl's forthcoming book which will include descriptions of ten types of group formation classified on the basis of the group-formative role of the central person. Unquestionably, the findings will have profound implications for treatment procedures where group relationships are involved.

Seventh, we recognize that while delinquency is primarily a function of unfortunate relationship disturbances within the family, group organization and neighborhood folkways add sanction and support to such behavior. Clifford R. Shaw has done much to emphasize this fact. "Delinquency in deteriorated areas may frequently be regarded as a very natural adjustment of the boy to the expectations, behavior patterns and values of the group of which he is a part."²

Eighth, we recognize finally that the group in some manner plays a prominent part in the delinquency pattern. Many delinquent activities involve "the cooperative participation of boys in groups." In Shaw's inventory of "uniformly characteristic attitudes expressed" among delinquents this group factor reveals itself at a number of points. Shaw has set them down for us as follows:

¹ Ibid., p. 161-166-169

² Clifford R. Shaw and Jesse A. Jacobs *An Experimental Neighborhood Program for the Prevention and Treatment of Juvenile Delinquency and Crime Chicago Area Project*, March 1939 (Mimeographed report, p. 8)

- 1 Stimulation and excitement in delinquency situations
- 2 Security in the gang
- 3 Opposition to authority
- 4 Contempt for the traitor
- 5 Recognition and prestige through delinquency
- 6 Hero worship
- 7 The stigma of petty stealing
- 8 The control of the gang over the behavior of its members¹

New Treatment Patterns

As a result of this redefinition of the whole situation one might properly ask what new patterns of treatment seem to be asserting themselves in current practice. Generally speaking, the most promising new patterns avoid extreme specialization. They involve, rather, a threefold re-orientation that includes elements of neighborhood and community organization, elements of agency administration, and elements of group organization and leadership. Some experimental developments, it is true, seem to emphasize one set of elements more than another, as for example, Slavson's dominant emphasis on group therapy, Martin's emphasis on organizational sensitization, and Shaw's basic interest in neighborhood articulation. Most of the newer approaches, however, including the three just referred to, represent a blending of adjustments in terms of neighborhood, agency and group. Some of the more promising developments, all of which no doubt you are familiar with, include the neighborhood unit approach as it is being carried on in the Tremont area in Cleveland and in several other communities; the projects of the delinquency division of the U. S. Children's Bureau, notably in St. Paul, Minnesota; the work of the Inter-agency Council for Youth in Philadel-

¹ Op. cit. p. 9

phia; Margaret Svendsen's recreational therapy activities in Chicago; certain phases of the Kellogg Foundation seven county area program in Michigan; Carr's work at the University of Michigan; and activities of coordinating councils, notably on the west coast.

From the standpoint of those having a special interest in group work, you may be interested to know some of the efforts which are under way to clarify the role of group work in its relation to problem behavior. Two projects are going forward under the auspices of the American Association for the Study of Group Work. I refer to the National Commission on Interpersonal Aspects of Group Work under the chairmanship of Margaret Svendsen. The need for a commission of this kind goes back to a section of the monograph entitled, "Objectives of Group Work," edited by Clara A. Kaiser, which considered therapeutic or correctional aspects of group work and which was written by Margaret Svendsen. Her commission at this very hour is holding a panel session as a part of the annual conference of the American Association for the Study of Group Work, and it is altogether likely that the group case record which is being used and the analysis of it which is being made, will be published either in the proceedings of the Association or in a special supplement to *The Group* early in the fall. In addition to this commission's work, Merrill Conover of the Inter-agency Council for Youth and a special committee drawn from Philadelphia and vicinity have developed a study outline entitled, "Can Informal Education and Recreation Activities Decrease Delinquency and Crime?" which will be one in a series of twelve to be used this coming year by local study groups throughout the Association. It is to be hoped that those interested in group work will make the publication of this outline the occasion for closer collaboration and joint

study with their colleagues in the probation field. Two quite useful monographs focused upon group work in relation to individual guidance have been published during the past year, one by R. E. G. Davis, entitled "A Primer of Guidance Through Group Work," and the other a manual for the use of camp counsellors by J. Kenneth Doherty entitled, "Solving Camp Behavior Problems." In addition to these more modest publications it is known that Dr. Everett DuVall of Temple University is working on a manuscript, "Personality and Social Group Work" and that S. R. Slavson is about ready to publish his new volume, "Group Therapy."

Looking Ahead

It is always a bit precarious to attempt to project one's thinking too far into the future, but our accomplishments to date have been so very negligible and the problem remains so vast, that anything short of daring departures is scarcely likely to produce the results we must attain. One of the most promising leads now before us has been foreshadowed in the work of Bradley Buell in his experimentation with the so-called "social breakdown index." His thinking in this connection is contained in a monograph entitled, "Social Breakdown: A Plan for Measurement and Control," published as Bulletin 101 by Community Chests and Councils last year. An even more impressive outline of the plan was contained in a paper which Mr. Buell read at a luncheon meeting of the Community Chests and Councils Detroit conference a week ago. Undoubtedly most of you are familiar with the broad outlines of the plan. The "social breakdown index" is derived from the incidence of crime, delinquency, mental disease, divorce, neglect, unemployment, and mental deficiency, and is expressed in terms of units of breakdown per 1000 families. In Stamford,

Connecticut, where the formula was first tested and applied, the rate is 40 per 1000. Application of the formula is being applied also in two other cities—Erie, Pennsylvania, and Syracuse, New York. Even accepting some of the limitations in the plan and in certain of the assumptions which lie back of it, as pointed out by Bertha C. Reynolds in her review of the proposal in *Social Work Today* for March 1940, there is much to commend in Mr. Buell's suggestions, both from the standpoint of economy and efficiency of administration and from the standpoint of effectiveness of community organization under present social and economic arrangements.

If by some such means as this communities can identify the families which have the greatest problems, and starting at that point, begin to utilize more fully joint service exchanges and joint case conferences, it should be possible to move in on some of these total family situations in such a way as to attack delinquency at a most vulnerable point. But even this will not be enough. We must utilize these joint services and conference procedures to develop more adequate prognostication, and this prognostication must include family, individual, and above all for our purposes, group prognostication.

Specialized and professionally qualified personnel is essential to the development of a progressive program such as we are projecting in this discussion. As one who shared in making the study of the Tremont area in Cleveland back in 1934, a report of which was later published under the title "Between Spires and Stacks," it has been interesting to observe some of the well-intentioned efforts which have gone forward by various groups in Cleveland to deal with the problem of delinquency in that very interesting area. A recent analysis of 1000 cases of juvenile delinquency in Cleveland dis-

closed a fifty per cent waste in effort due principally to lack of clearance and to duplication of services. One rather amusing element in the situation appeared when some of the policemen who were voluntarily leading boys' clubs in the area, were assigned to strike duty and were placed in the position, potentially at least, of using their clubs on the fathers and older brothers of some of the boys in their boys' clubs. This presents a dilemma and reinforces the conviction held in some quarters that a division of function is not only inevitable but highly desirable as between those who perform educational functions and those who perform, let us say, law enforcement functions. It is equally true that no one functional group has any monopoly on delinquency prevention or upon delinquency treatment, least of all those who are responsible for our leisure time agencies. All of us, I am sure, would benefit greatly from examining the experience of the Department of Public Safety in Cleveland in its relationship to this whole problem. Much has been learned by all concerned during the last five years. For example, the recognition now accorded technically trained personnel for work with delinquents among police officials in Cleveland and the increasing reliance upon both group work and case work resources in Cleveland provide substantial evidence that we may now be moving from a cycle of opportunism and an extreme reliance upon the "amateur" to a cycle which may be characterized by greater collaboration and technical procedures. One interesting development in Cleveland has been certain new uses for the squad car, especially in contacting truants and in checking with small business operators whose stores are being pilfered.

Time remains but for one further observation, and it is that somehow we must rethink our program of interpreting the prevention and treatment of juvenile

delinquency to the public. Not only must this be done on a broad nationwide basis, but it must be done with reference to particular experimental projects which are under way. Some of these are in danger of being discontinued and if they are allowed to go by default it will be, in part at least, because they have been inadequately interpreted.

While no specific mention has been made of economic factors and forces affecting juvenile delinquency and affecting also efforts toward prevention and treatment, it is recognized that such conditions constitute dominant if not decisive and determining influences. Any interpretation of the phenomenon of delinquency and any program of prevention or treatment which does not recognize this fundamental fact are destined to defeat.

Motivating the Delinquent to Accept Treatment

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THIS title is shortened for purposes of brevity. Completed it would read, "Participation of the Case Worker in Motivating the Juvenile Delinquent to Accept Case Work Treatment." Let us begin by considering the characteristics of the juvenile and what juveniles are delinquent. The juvenile is a person from about the age of fourteen years up to maybe sixteen or eighteen, or in some jurisdictions twenty-one years, from the standpoint of cases referred to the worker in a juvenile court. The largest number of cases which the worker in the court is called upon to serve is in the age group between fourteen and eighteen years. The youths of these ages are in a period of accelerated growth—physical, mental and emotional. All of these elements are developing but their development may fail to be proportioned toward a balanced whole individual.

During this period of his life the youth finds himself in transition from a child to an adult—in a state of change from a dependent person toward an independent one. He is becoming aware of himself as an individual and of the way in which his actions affect other members of his social group, his family, his friends of his own and the opposite sex, his school teachers, and members of larger community groups. During this period he is

confronted with contradictions, for he is aware that he has been taught certain ways of conduct and yet that he behaves in a manner varying from these teachings. If these contradictions are extreme he may need help in harmonizing in his behavior that which his adult world demands and that which his own deeper needs require.

During these years he is trying to release himself from the restrictions of his parents and to take upon himself more independence. At this same time he may not be able to be independent and may actually be asking to be dependent. During this period he may demonstrate extremes in behavior in his efforts to find a way of conduct satisfactory to himself and to the community. It is when his conflicts manifest themselves in behavior which comes into friction with the community, causes his arrest and a finding by the court, that he is termed "delinquent." If these same manifestations of conflict had resulted in acts within his own home and had been handled by understanding adults there, this same child might never have been a delinquent.

The parents of this so-called delinquent are very important persons as they operate in treatment of him. Their attitudes may be somewhere between that of extreme over-protectiveness on the one hand, or extreme lack of concern on the other. If they are very over-protective they may be preventing him from growing and taking on additional responsibilities. If they are greatly lacking in concern for him they may be thrusting him into a state of independence which may frustrate his development because he is deprived too abruptly or too early of the parental protection which he needs.

The worker sees a need for giving service in the case of a child where either the solicitude or the indifference of the parents, or a combination of extremes of the two, operates as a barrier to his growth and development. He

can be of service by developing and maintaining a relationship of continuing interest and acceptance and thus assisting in establishing stability. Case work to the youth through this kind of relationship we recognize is only *one* resource which may be brought into use in treatment. But it may operate as a medium through which the youth can find that he has ability to conform to community standards. It can help him to take advantage of community resources such as clubs and camps, and through it he may gain stability to secure and keep employment.

An Involuntary Relationship

In meeting each juvenile delinquent and in beginning treatment with him, there is one factor of which the worker needs to be constantly aware. That is the fact that the juvenile seldom, if ever, comes to an agency voluntarily to make his problems known and to request assistance or treatment. He is brought by forces which to him are pressures of the adult world. And those persons bringing him, whether they be parents, teachers, or police officers, have conveyed to him that his actions are out of accord with his adult world, that he has incurred disapproval as a result of which some unpleasant pressure is going to be exerted upon him, and that that unpleasant pressure is to be exerted by the worker at the agency. The worker then must meet at once this unfavorable attitude which has been created in the child. He must conduct the first interview in such a way that the child will feel that here is someone who will help him, that here is someone he need not fear. The worker must convey to the child that they have a common objective of avoiding recurrence of complaints, and that by avoiding them the boy will become better satisfied with himself. The worker's aim is to gain the child's cooperation quickly in order to initiate a relationship which will work toward

a desire on the part of the child to return voluntarily for future interviews.

The illustrations which follow are brief examples of some of the common reactions of the juvenile delinquent met by the case worker in the social work department of the juvenile court. They attempt to illustrate to a small degree the part played by the worker in the first interview with the child and in the development of treatment. The function of the department is to study, diagnose and treat problems of children complained of to the agency because of their behavior. The purpose is to assist them toward the achievement of a more satisfactory adjustment. In this function the social work department of a court is identical to the function of child care agencies under other auspices. The children treated by both agencies are similar. Their problems may differ in nature or in intensity, but the source of conflict in these children and in their families is no different from the source of conflict in children and families who are known to other child care agencies.

If a worker directs a boy in one way or another before he knows him well he runs a great risk of failing to gain a favorable response. It is dangerous in the development of a relationship with a child to assume that he feels any particular way about a certain event or person in his life until we know from his expressions his feeling with regard to that particular event or person. It is futile to advise a boy to refrain from stealing because it worries his mother, if that boy is trying hard to get even with her for neglecting him in favor of a boy friend of hers. If the worker emphasizes to him that he must do certain things in order to please that mother, he may feel more discouraged about his difficulties than before he began the visit, for he may see the worker as another adult who does not understand his problems.

What the Child Thinks

The best way we can know a child is to hear him speak and express himself with regard to what he is thinking. It is true that many times his very silence, his reluctance or refusal to speak can be interpreted by the worker to mean something, but unless we know his ideas through his spoken words, we run the risk of interpreting his actions less accurately than if they are combined with his expression in words.

Some mechanically perfect case records are written in which are presented a complete description of the home as to the number of rooms, household routine, sleeping arrangements and income; the employment of the father and other members of the household; the supervision of each of the children; a report of a health examination of the child under study and of the other members of the family; the complete school reports; the father's and mother's opinion with regard to the boy; in fact everything which would make for a complete social history record, except what the child himself has said about the way he views his own situation, what he thinks of the reason why his behavior has caused complaint, the way he feels about his parents' attempts to discipline him, the way he feels about his teacher's disapproval or of the policeman's statement that he had stolen an automobile.

Recently upon receiving a complaint regarding a fifteen year old girl, the worker read all the available information about her case contained in records of organizations to which she had been known. There were several, including that of an institution where she had spent a year. She was called an incorrigible girl. In her first interview with the girl, the worker said, "Mary, I have read about your school and your home, the result of your medical examination, what your father and your grandmother think

about you, but I haven't seen a word of what you think about your home, your school work, or the institution where you have been." Mary answered, "No one has ever asked *me*." No one had ever asked her, and yet she was the object of the efforts of all these people.

After we have the expression of the youth, we still at times cannot be sure of his thoughts. For example, there is the boy who comes in to see the worker and says everything is all right at home, everything is fine. But his worried look creates a question in the worker's mind that everything is not all right. The case of John illustrates this point.

John, aged seventeen, was brought to the worker's office on complaints of breaking into offices and stealing large sums of money. He admitted freely that he had taken the money and that he had done this in order to make a down payment on a home so that his mother would have a place to live when she got old.

The parents stated that they require John to be at home on Sunday, Monday, Tuesday, Wednesday and Thursday evenings. If he goes out on Friday he must be in on Saturday evening. He is seventeen years of age. To friends and neighbors this act of the boy's was a great shock because of his excellent school and behavior record, his regular church attendance and his great devotion to his mother. During the first interviews with the boy, he reported promptly and stated bravely and repeatedly that everything was O. K. at home. It was only after he developed confidence in the worker that he admitted he was quite dissatisfied with his home situation, that he would like to see his father be the main support of the household rather than his mother.

In the beginning this boy had great difficulty in expressing himself for he had grown up in a family of rigid discipline where the parents believed the children

should conform to their rules without question. This boy appeared to be in very great need of help because his words indicated great confusion with regard to his responsibilities as they related to members of his family group and to the community. He was not aware that he had not progressed in the development of normal relationships to the level of persons of his own age group because of his attachment to his mother. The worker has developed a relationship of confidence with this boy which enables him to express himself. As he does so, he is being helped to become aware that boys and girls of his age are usually interested in group activities, and an attempt is being made to stimulate him to participate in them.

The mother, father and the boy himself told the worker he was not well and strong. The worker observed that the boy appeared to be in good physical health. The doctor's examination verified that observation. The parents were not aware of their need to keep him weak, nor that they were hindering his development toward independence by doing so. The worker has talked with them concerning this and is assisting them to an understanding of the way in which they have contributed to the boy's retarded development and to his delinquency.

The boy who denies participation in an offense offers a particular difficulty, for unless he is free to acknowledge his behavior the worker finds difficulty in evaluating the source of conflict which may have led up to it.

Lewis, aged fifteen years, was brought to the attention of the agency by the police on complaints of disorderly conduct brought by three different women. He was identified by them to the police. When seen by the worker he emphatically denied any participation or any knowledge of the acts. In answer to the identification he stated that there was another boy in his block who looked very much like him. The father and mother agreed also that it was

not possible that their boy had done these acts. This boy is a junior in high school, excelling in scholarship. He is a rapid reader of scientific books in which he has very great interest. These were the first complaints against him.

There are a brother and a sister in his family. Lewis is the youngest. The mother said she would never permit her older son nor her daughter to know of this complaint because it would be so shocking and humiliating to them.

The worker in this case realized the importance of refraining from hurrying the boy to admit or talk about the complaint. It was evident to the worker in the beginning that Lewis was afraid he would lose his own self-respect and incur the criticism of the worker, his parents and of his entire world should he admit the acts. In order to maintain his own self-respect Lewis felt it necessary to deny them. The worker believed that when the boy grew sufficiently confident of his interest, sufficiently sure that he would not lose his friendship, he would admit the complaints.

During visits Lewis found it difficult to talk about himself and about the problems which were now the nearest to him. When the worker became aware of this he shifted the subject from the immediate ones which were difficult for the boy to those which he preferred to talk about. The boy was encouraged to recall times in his life which he remembered. By listening to these subjects which the boy chose the worker gained a better relationship with him and also a better insight into the source of his conflicts and habits.

After three months of visits the boy one day gave a report of the basketball season at his school and he found sports magazines on the worker's desk. The worker's response to this subject provided the greatest base of common interest yet discovered. From this conversation

developed a confidence on the part of the boy in the worker which later led him to acknowledge that he had conducted himself as alleged in the complaint. When the worker reassured him that it was very natural for a boy of his age to be interested and curious about matters of sex, the boy had many questions to ask and seemed to have them answered to his satisfaction. He realized after a time that the reason why he could not talk about this subject or any of his other personal feelings sooner was because he had never had an adult with whom he could discuss the questions which arose out of his reading and his daily associations. The factors which led toward satisfactory treatment in this case were the worker's understanding of the boy's need to deny participation, his versatility in attempts to develop the confidence of the boy, and his patience in permitting the boy time in which to express himself.

What can be done with the great overgrown burly-appearing boy who swaggers into the office and out of the corner of his mouth says, "Sure, I take automobiles and I'll do it again." Joe was this boy. He was ready to meet the worker and to be told what was expected of him. The worker, however, was too wise to lay down rules which he expected Joe to follow. He knew that the method must have been tried before and failed. Instead the worker was interested in the boy and in his statement. He accepted it and encouraged Joe to talk about his plans and the reasons for them. When the boy left the office he seemed much less determined than when he had entered.

During the study of the case the worker learned that Joe, aged sixteen, was third oldest of seven children. An older brother worked now and then and contributed to the support of the family. The mother worked long hours as a domestic. Joe had repeated almost every

grade up to the sixth. His mother couldn't understand why she had such a dull boy. Each time she had to take time off from work to go to the school about his behavior the family went more hungry than usual.

Joe was disliked by his teacher and disapproved of by his mother. There was no adult who showed interest in him or in what he did. At twelve he formed a close relationship with another boy in the block. Out of their activities together grew what to them was an adventure in outwitting a police officer. They knew his beat exactly and knew what hour he would be in the firehouse at the opposite end of it. At such times they climbed through the transoms of drug stores and took knives and kodaks and pipes. The other boy moved away from the neighborhood but Joe continued to take articles and hoard them. As he grew older he began to take automobiles to drive. He liked the excitement of it. It was one thing he could do and he had discovered no interest in anything else.

It took a long time to see much improvement with Joe. At first he couldn't believe that the worker really intended to help him. He hadn't known anyone before who seemed to think he was a worthwhile person. Gradually he would leave the interview feeling fairly amiable. As he felt more kindly toward the worker he seemed to feel less unkindly toward other people. In the meantime the worker had found a man who would give Joe occasional odd jobs and encouragement in them. As time went on Joe grew to talk more freely. The worker noted every slight improvement, saw progress when the boy came to the office unsummoned, when he could look at the worker directly instead of slumping and sulking in his chair. Finally he was assured of progress when Joe told him of vivid incidents when cars had looked inviting to him, but he'd decided taking them wasn't worth it, how it only

made him trouble, and how, too, he did have a little work. It has been three years since we first knew Joe. He now has a small job which is regular and he still returns "to talk things over" with the worker.

Causal Factors

The case of Joe illustrates that there are a number of factors which enter into the causes of stealing, and that these causes may vary within the same individual at different times in his life or may be mingled at any one given time. In understanding his problem, it was helpful to look for the association between the object taken and the conflict with the significant person in the child's life. It was helpful to explore Joe's memory for the earliest stealing incident and to find how he felt about the person with whom it occurred. Joe had found no satisfactions at home or at school. He had developed a close relationship with a boy his age. His stealing continued after the boy with whom it was first associated had left the neighborhood. The worker came into the boy's life and offered interest in him. As Joe developed independence he found satisfaction in his friendly employer and his job.

It is difficult to evaluate the factors which in each of these cases led toward successful treatment. It is clear that the worker gained the cooperation of the child and so motivated him toward improving his behavior. Some of the reasons why the worker was able to do this were: that he saw in the boy a person in need of help and accepted him regardless of his past behavior, his limitations, his appearance, or his attitude. He was able to give encouragement and to detect improvement, no matter how slight. He was continuously confident that, through the understanding help which was being given, improvement would result.

We are aware of practical difficulties in carrying on a

program of treatment with delinquents. One of them is commonly known as "community pressure," that is, a demand from some members of the community that something be done. What those well-intentioned persons mean when they demand that something be done is usually institutional placement. They have a just concern over boys who continue in stealing while they are already on probation or under the supervision of a social agency. In attempting to carry on a careful treatment program with young people we are required to be practical. Our treatment of the youth in his home sometimes must be suspended due to the necessity for institutional placement in order to prevent loss or destruction in the community during the course of treatment. However, in observing week after week the complaints which come to the juvenile court on children who have been in institutions for a period of time and have returned to the community, we find that the institution has not served in those instances the purpose which those persons who recommended the child's placement intended. The child has come out unable to live an independent, constructive life and has reverted to his previous behavior. Because that method has failed we are given additional encouragement in the continuation of treatment of children in their own homes, even though during the course of that treatment they may periodically demonstrate their conflicts through serious behavior.

Another practical difficulty which we all face is the limitation placed upon treatment from the standpoint of time and number of cases. Yet in many instances an understanding treatment of the case does not require additional time. Results frequently depend less upon the amount of time spent than upon the ability of the worker to understand problems, to evaluate their bases, and to participate in treatment. All cases cannot be treated as

thoroughly as we should like, but it is to our advantage in improving the quality of our own work that we demonstrate to ourselves what can be done by careful treatment on a few cases selected from the larger group. These successful results strengthen our reassurance of the quality of our skill. We also need these successful cases when we are requesting additional funds for personnel in order to demonstrate to our communities the results which can be obtained under careful treatment by qualified workers.

The Psychiatrist's Role in the Treatment of the Delinquent

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IN no field of psychiatric endeavor is there greater need for a reexamination of the role that the psychiatrist should and can play than in the field of juvenile delinquency. For over a quarter of a century now—to be exact, since the establishment of the world's first child guidance clinic by Dr. William Healy in Chicago in 1909—the psychiatrist has felt that the field of antisocial child behavior was in part his concern. Since that time various clinics and various courts have laid varied emphases on the importance of the psychiatric viewpoint and of psychiatric treatment in dealing with youthful offenders, and little unanimity of opinion has as yet resulted. Because of the recent impetus given both here and abroad to the program of individualized treatment of offenders, it might be well to pause at this time to consider the attitudes, viewpoints and perhaps prejudices of those vitally concerned with this problem, that is, the personnel of the court and the psychiatrist, with the hope that a common ground of tentative agreement may be reached. Equally important are the procedures which can be initiated whereby the psychiatrist exercises whatever diagnostic and therapeutic acumen he has to offer.

Being a psychiatrist in a child guidance clinic and at the same time psychiatrist to a juvenile court, I believe that I am aware of the various notions and attitudes voiced by both groups, and I shall attempt to summarize

these viewpoints in as accurate and unprejudiced a manner as possible. It must be borne in mind that I refer to juvenile delinquents and not to adult criminals.

It seems to me that there are two fundamental misconceptions held by the courts and psychiatrists today, one held by each in reference to the attitude of the other. There are in addition certain minor misconceptions arising from these two which will be considered in turn. Let us examine these fundamental differences of viewpoint with a view first to an understanding of their origins and secondly with the hope that they may disappear in the light of the facts. It is not necessary of course to emphasize that these viewpoints are held by sincere professional men whose only concern is the best possible treatment of the offender and the continued protection of society.

The court may feel that the psychiatrist wants all cases of juvenile delinquency to have intensive and extensive psychiatric study and treatment, and that the psychiatrist arrives at this conclusion because in his opinion all delinquency arises from some deep-seated emotional deviation in the personality makeup of the delinquent. Probably no psychiatrist today holds such a viewpoint, at least no psychiatrist who has observed and studied the general run of delinquents as they appear day after day before the judge to answer complaints of markedly varying seriousness. The psychiatrist knows well that there are neither trained men, nor money, nor time enough to be concerned with the fruit stand or lead pipe peccadilloes of boys who otherwise exhibit no sustained, repetitive, patternized antisocial tendencies or neurotic traits. The treatment of such problem children he is quite willing to turn over to other disciplines than his own. He may, to be sure, wonder if a more complete investigation or further observation of some of these boys might unearth

material of psychiatric significance, just as any physician from time to time wonders about the continued benignity of certain non-symptomatic skin growths, but, as in all fields of medicine, he must content himself with a detailed followup of only those signs and symptoms that indicate probable underlying pathology. However, if this is the opinion that many hold regarding the psychiatrist's self-assumed role, it may have been a justly held opinion in the past. It may be true that psychiatrists did at one time feel that all antisocial behavior must be investigated psychiatrically. If so, I suspect that it was the result of two definite concomitant impacts on recent psychiatric thought and endeavor. The first was the inclusion into psychiatry of a dynamic psychological viewpoint with theories applicable to both abnormal and normal behavior, and the second was the mental hygiene movement that brought psychiatrists out of the mental hospitals and sanatoriums and extended their function to include a real interest in behavior deviations not necessitating intramural treatment or custodial care.

If in the first full flush of his own emancipation the psychiatrist firmly believed that he alone should study and prescribe in the field of juvenile delinquency, suffice it to say that he no longer holds this point of view. He sets certain limitations to the application of his medical specialty. Not only has clinical experience forced upon him the conviction that all delinquents do not need psychotherapy, but he would be the first to disclaim the ability to perform miracles in those cases that do need psychiatric help. He fully realizes that the limitations of treatment with all neurotics extend also to that percentage of offenders whose behavior arises from parallel abnormal trends. But it necessarily follows that the psychiatrist feels that he himself should in some way—through some medium and at some point in the court's procedure—be

given the opportunity to select those cases that probably need his treatment.

The Court's View

The second fundamental misconception—the one sometimes held by the psychiatrist—is that the court does not feel that psychiatry or the psychiatrist has anything to offer in the treatment of any delinquents, or at best, of only those delinquents whose behavior is so bizarre as to raise the question of feeble-mindedness, psychotic or organic disease. I think that it is safe to say that no juvenile judge today holds such a limited view. That he sometimes appears to the psychiatrist to be of this mind is due to the fact that through his day by day contact with delinquents the judge probably better than the psychiatrist sees in the protean manifestations of crime the complex nature of its causative factors. He cannot surrender the treatment of a problem of multiple personal and social factors to a discipline that he thinks is concerned with but one method of solution. He knows that numerous statistical studies have shown the futility of punishment or the fear of punishment as a deterrent to continued delinquency in a great number of cases, but he is loath to accept psychotherapy as the only method to substitute for the imposition of punishment. Arguing again from the conviction of the complexity of causative factors, he is willing to "individualize" his treatment, but a swing from mass treatment to individual treatment does not seem to him to be accomplished when one swings again to another single approach—psychiatric treatment for all.

To be sure, the psychiatric investigation of delinquents today entails a broad evaluation of the child, his past history, his physical, his social, and his scholastic assets and shortcomings, and psychiatric treatment makes use of all the personal and community resources in an attempt

to rehabilitate those few offenders who need psychotherapy. That the rearrangement of the external environment alone cannot always implant the urge and desire for socially acceptable behavior is the sole basis for the psychiatrist's claim to consideration in the disposition of these cases. But the court counters in turn with the justifiable argument that the investigation of a great number of delinquents—possibly ninety per cent of them—does not have to be a psychiatric investigation, but an investigation pointing perhaps to social, medical, recreational, occupational or educational therapy, and opinion even within the medical specialties supports this point of view. That a certain number of patients with fractured legs may have underlying neuroses does not demand that the orthopedic surgeon should take a psychiatric history in every case.

Again, the court feels that the psychiatrist should not expect to practice his profession beyond or outside the legal framework set up by society for handling these infractions of the law. Psychiatric treatment, he says, cannot be used as a substitute for punishment in a society which still expects equal punishment to be meted out for the same delinquency to all legally sane offenders regardless of how different may be their several backgrounds or individual personality traits. If, for instance, society deems it necessary for its protection to demand a period of probation or loss of liberty for a delinquent, the psychiatrist must work within this framework of justice with those cases whom he believes he can help. Of course, if he feels that the law is bad he has every right to exert his best efforts as a citizen to change that law, but he must do so as a citizen among other citizens and not as a psychiatrist practicing his medical specialty. Whatever discipline emerges to claim a technic, program, or treatment that will eliminate crime or rehabilitate certain types of criminals, be it psychiatry, education, sociology, endocrin-

ology, or what not, should expect first to state and to demonstrate in what instances it can be of service to the court, and secondly, to carry out that treatment within the legal framework society has evolved at that point. These principles regarding the entrance and function of the various disciplines into this field will be applicable under whatever system of court action we have. That the psychiatrist in some instances has interpreted this attitude as mere formalized legalistic dogma and prejudice based largely on the theory that the punishment must fit the delinquency rather than fit the individual delinquent, has led neither to a higher regard for the psychiatrist's role nor to its justifiable extension.

Selection of Cases

Here are then some of the misconceptions on the part of the court and the psychiatrist, and suggestions as to their possible origin and background. How can the court be sure to receive what the psychiatrist has to offer, and conversely in what sort of medium or court setup will the psychiatrist best be enabled to select these cases?

In relation to the first problem it seems to me that the psychiatrist should describe the type of delinquency or of delinquent who should arouse the suspicion of the judge and his subordinates that a psychopathological basis may exist. The psychiatrist cannot blame the court for the non-referral of cases if the court has no definite conception of what the psychiatrist thinks he can or cannot do. Of all the institutions, disciplines, agencies and methods that may be of use in the individual case, the judge is as little impressed by nebulous ill-defined functions as he is by claims to universality or all-inclusiveness of function.

In general one may say that the psychiatrist feels that whenever the situation surrounding the child at the moment—his reality situation—is not enough to account

for his antisocial behavior, this behavior probably has its roots in some internal conflict and the child probably needs psychiatric help. In ordinary terms, if the delinquency "just doesn't make sense" either from the standpoint of the act itself or from the standpoint of the seeming lack of necessity on the part of the child to act in that manner (or both), the delinquency looks suspiciously like a neurotic act. This general definition is as significant in the great number of cases that it excludes from the psychiatrist's concern as in the small number of cases indicated for special help. And now on the basis of this definition let us list a group of specific cases which we see from time to time and on which both the psychiatrist and the judge can agree. The list is tentative and is based purely on clinical observation. It does not arise from any elaborate all-inclusive theory regarding the fundamental nature of juvenile crime.

1 *The sex offender* Children brought to the court for lewd practices, heterosexual, homosexual or other abnormal sex activity have been referred to the psychiatrist ever since the latter has concerned himself with delinquent problems, and there is little need to reemphasize here the saneness of this long established court practice. However, it might be well to note here that the psychiatrist from time to time is confronted with cases where, due to some experience in the early life of the child, other crimes (notably stealing) have become linked to the drive for sexual gratification. The only hint I know that may be of value to the judge and his associates in detecting such an emotional hookup is the "senselessness" of the act or suspicions aroused as to the role of the child's associates. The eyes and ears of the court should always be on the alert for inconsistencies, absurdities, and incongruities in the boy's antecedent history and present status if these cases are to be found. They are few in

number, to be sure, but psychiatric treatment of these boys seems to be the only treatment that offers much hope of lasting benefit. The child who exhibits "specialized" stealing neither for financial gain nor to satisfy some obvious need may be included in this classification. Usually the offender himself offers only a hazy explanation of why he feels compelled to steal a particular thing.

2 *The runaway child who has committed no other offense* To be sure, the child who runs away may be running from some intolerable home situation characterized by abuse, maltreatment, hunger, extreme deprivation. If so, the reality situation alone may account for his behavior and no psychiatric treatment is necessary. However, the court and the psychiatrist have seen so many instances where the child has not run away in the face of the most inhuman treatment at the hands of parents, foster parents and siblings that both the judge and the psychiatrist should be suspicious of some internal conflict when dealing with the runaway. It is my opinion from clinical contact with these cases that all runaways should have the benefit of at least a few interviews with the psychiatrist before we ascribe the act to the reality situation alone and thus content ourselves with merely changing the external forces surrounding the child. (I might add parenthetically that treatment of the true neurotic runaway is one of the most difficult tasks that the child psychiatrist faces in his practice.)

3 *Truancy unassociated with other delinquency in a child of normal intelligence* It seems obvious that the child who has the innate ability to advance grade by grade with his fellows but refuses to attend school probably absents himself because of some personality defect. He is unhappy and probably is so not because of some superficial difficulty with a particular teacher or classmate. He

should have help to appreciate his own problems and to reevaluate them.

4 *The solitary delinquent* The child who steals or commits other offenses alone should be referred. Because it is our experience that children almost invariably steal with one or more children as partners, we have become suspicious of the personality makeup of those few children who steal alone, and we have felt that at least a modified psychiatric investigation should be carried out with them. This refers of course principally to cases where the theft is committed outside the child's own home.

5 *The child surrendered to the court for stubbornness* A child who limits his antisocial behavior, aggression, and unmanageableness to the confines of his home probably should be studied by the psychiatrist. A thorough investigation of the intrafamilial reactions as they affect this child and in turn determine his behavior is needed. This presupposes a program of study and treatment that may very likely extend to other members of the family group.

6 *The delinquent of superior intelligence* Since the formulation and widespread use of standardized measures of intelligence we can no longer hold the former belief that delinquency is due solely to mental incompetency or to a "moral degeneration" which is attributable in turn to lack of intellect. On the contrary we know that most of our delinquents have average intelligence as measured by age level tests. (The test results with the last 400 boys appearing before the Boston Juvenile Court give an average I. Q. of 92.) Not infrequently we find boys of definitely superior intelligence with an I. Q. above 115 appearing before us and we have felt that psychiatric investigation and treatment were indicated in all of these cases. Perhaps this is due to a persistence of the obverse

of our notion mentioned above wherein we now feel that crime should not exist in the presence of superior ability, or perhaps we are moved by our feeling that here is a boy whose contribution to society may be outstanding if we can but straighten him out. Whatever may be our true motivation in these referrals, it would seem that the non-attainment of mature social standards in a boy of superior intellect is probably due to an emotional factor—a neurosis if you will—that prevents him from incorporating adult standards and principles. Hence we refer him for psychiatric treatment.

7 Finally, *psychiatric consultation is necessary in those cases where the possibility of organic brain damage, psychosis, convulsive disorder or feeble-mindedness exists.* Post-encephalitic cases and children suspected of having congenital or acquired syphilitic infections should be referred to the psychiatrist. By examination he can establish or rule out these conditions and in turn can outline the best medical or medico-educational program to be followed in each instance.

The foregoing list is a tentative one, and from observation of delinquents as they appear before the court I would assume that about five to seven per cent of all court cases would fall into one or more of these categories. This may appear to some psychiatrists a very small number of delinquents referable to their clinic, but it is to be emphasized again that these are cases (1—6) for *psychiatric treatment*, not cases referred for diagnosis only. Nor does it include those cases referred merely because the child guidance clinic in a particular community knows better than any other agency (including the court) the social, educational, recreational or medical agencies to which the child may be referred a second time for treatment. The court personnel itself—functioning in theory at least as a child agency—should be cognizant of these

nonpsychiatric programs of treatment and the methods for initiating such programs in the individual case.

Cooperation in Selection

This in turn leads us directly to the second problem mentioned previously, namely, by what method or in what medium can the psychiatrist best work in conjunction with the court to insure proper selection? Who is to decide in the individual case whether or not psychiatric treatment is necessary? Shall it be left entirely to the judge? Can the psychiatrist sitting in the courtroom with the judge make accurate diagnosis on the basis of the story given by the police officer and the history gathered by the probation officer? Is it feasible or practical for all cases to be referred to the psychiatrist in order that he may not miss the five to ten per cent that will profit from continued treatment after the ninety per cent or more have been turned over by him to some other discipline or agency? In attempting to arrive at the correct answer to these questions most of the misunderstandings have arisen. All programs in formulation at the present time for the better handling of delinquent cases are aimed in this direction.

A possible solution of many of these problems has, I believe, been arrived at by the Boston Juvenile Court in its establishment of the Citizenship Training Department. Although this center has been described elsewhere in detailed reports¹ I will outline some of its aspects in order to emphasize the opportunity it offers the psychiatrist to play his role without radically changing the court procedure existent at the present time.

To this group, delinquents are referred by the juvenile court the only prerequisite being age (usually between

¹ Kenneth I. Wollan, "The Use of Group Activity in Probation Work" *The Offender in the Community Yearbook*, National Probation Association 1938, p. 240

twelve and sixteen years), and preferably though by no means necessarily, first offenders. The boys are required to come to the department daily in the afternoon for a period of eight weeks though a flexibility exists that allows termination or extension of required attendance as it seems best to the staff in the case of each individual boy. The department is housed in the building of the Boston Young Men's Christian Union where gymnasium, class and playrooms are available. The staff consists of a sociologist, a boys' worker, an educator, a part time psychiatrist and a part time psychologist. The program followed is threefold and consists of interviews by the psychiatrist, daily participation in the games and exercises in the gymnasium and craft classes, and attendance in free-for-all classroom discussions of problems pertinent to a boy's life in the highly congested sections of a large city.

By such a combination of personal interviews and day by day observation of the boy in his natural setting of games, exercises and classroom activities we are in a much better position to outline the future program the individual delinquent should follow. But in addition we have answered or eliminated many of the questions and problems commented upon above in the discussion of the psychiatrist's role and how he should play it.

The delinquent is given some task to perform, for example, his attendance daily at the center, and this required attendance begins the day of his appearance in court. If this task can be termed punishment it is immediately noted that his punishment is meted out equally to all those participating in the delinquency. He is neither sent home merely to report to his probation officer every two weeks, nor is he taken from his home and sent to a detention home to await disposition or treatment.

No pre-formed program is outlined for the boy on the

basis of historical data or parental or police observations. He is placed in settings where the varied aspects of his personality, good or bad, will be emphasized by his association with his fellows and observed by trained but nonetheless sympathetic adults.

The staff itself is composed of men of varied disciplines, each of which has much to contribute to the solution of delinquency problems. Relative merits of medical attention, tutoring, foster home placement, recreation, boys' club followup, church affiliation and psychiatric treatment are all given consideration in the final disposition of the individual boy. Crime areas, gang affiliations, parental shortcomings, adult contributors to crime—all may be discussed from varying emphases of importance. Individual treatment is sponsored by such a plan without delay; without the total elimination of the well established principle that society exacts a certain punishment if one breaks the law; and with the assurance that the many and varied methods of investigation and treatment applicable to these complex problems will be given due consideration.

This type of center is for the psychiatrist what an outpatient department is for other medical specialists. It allows him by his day by day observations to select those cases for whom treatment is necessary with much less chance for error than does court referral alone or psychiatric interview alone. I do not recall a single instance where the judge of the juvenile court has failed to follow the recommendations of this staff of varied disciplines in the further treatment of the individual boy.

In a center of this sort the nonpsychiatric case also is given the individual consideration it demands. The group treatment situations at the center are beneficial, and followup programs entailing the use of community and agency resources are outlined and set in motion.

In summary, then, we have tried to outline some of the

problems attendant upon the extension of psychiatric interest to the field of juvenile delinquency. Through an examination of the psychiatrist's "wares," that is a consideration of the cases that should profit from his treatment, we have tried to clarify what he himself sincerely believes is his role and its relation to other forms of treatment. And, finally, we have discussed a program now in operation (the Citizenship Training Department of the Boston Juvenile Court) that seems to offer the psychiatrist—and those of all other interested professions—the best possible chance to make his contribution to the field.

VII PROBATION AND PAROLE ADMINISTRATION



Shall the Administration of Probation and Parole Be Combined?

AN INFORMAL DEBATE

Affirmative Joseph H. Hagan, *Assistant Director*
State Department of Social Welfare, Rhode Island

THE matter of combining probation and parole units into one separate, centralized organization is at the present time receiving very serious consideration by the various state governments. The success attained in the federal system, as well as in those states which now operate under this new procedure, has been so outstanding and the results so gratifying that many of the governors and legislators of other states are giving considerable thought to coordinating these services. It is perhaps fitting at this particular time when so much consideration is being given to this subject that we should have an open and frank discussion by those of us who are engaged in the rehabilitative processes of probation and parole.

I want to take this opportunity to congratulate the National Probation Association for the active interest it is taking in the promotion of adequate parole service which has been so sadly neglected heretofore. Many of us who are occupied in both fields of endeavor feel confident that if the Association continues its interest in parole the results will parallel the great work that has been accomplished in the field of probation, which has, through the earnest efforts of the National Probation Association, been brought from its former obscure posi-

tion in the realm of social work to the high place it now occupies in practically every state in the Union. I believe that probation is recognized by most judges as one of the finest and most effective instruments in the dispensing of criminal justice.

I am personally familiar with results in the states of Vermont and Rhode Island where combined state administration of adult probation and parole has been put into effect. In Rhode Island parole was for many years a function of the state prison and was administered by one lone parole officer under the supervision of the warden. This officer was responsible for a case load of approximately three hundred. Naturally no real social case work could be done and very little could be expected in the way of rehabilitation. The parole officer reported directly to the warden if any of his charges came into further contact with the law, and the warden in turn reported directly to the board of parole. At that time the warden sat in with the board at its meetings, a procedure which I consider highly undesirable. Because of the abuses in parole administration the parole services were combined with the probation department on July 1, 1932, and the result has been very satisfactory.

In addition to Rhode Island and Vermont, I understand that state administration of adult probation and parole has been combined in Alabama, Kentucky, Maryland, Minnesota, Missouri, Oregon, Tennessee, Utah, Washington, and West Virginia. In some of these states, however, the new setup does not operate on a completely statewide basis, since local probation units are still maintained in some of the larger cities and counties. Nevertheless, the fact that these services have been combined in so many states is an indication of the trend toward centralization and would seem to testify to satisfactory results.

Early Contacts

Probation officers should be interested in the inmates of our adult correctional institutions from practically the day of their apprehension for violation of the law. In many jurisdictions these officers conduct presentence investigations for the use of the judges in disposing of the defendants, and in cases of commitment copies of the investigation reports are sent to the institutions where they serve to guide the wardens and other officials in the treatment and handling of the prisoners and in preparing them for release on parole. Thus since the probation officers are the early factors in the process of correction and reformation, having made a thorough presentence investigation of each offender, they should be in a position to assist in making a proper diagnosis of the case and in finding a solution to the problem. By continuing his interest in every offender appearing before the court whether that offender is placed under probationary treatment or committed to an institution, the probation officer, with his first-hand knowledge of the offender's makeup, surroundings, previous history, and handicaps, both physical and mental, can be of inestimable assistance in cooperating with the institution authorities in providing individualized rehabilitative treatment during commitment, and in continuing the corrective process after the inmate's release on parole. These various steps follow each other in a natural sequence, and there is no need for one setup of specialized personnel for the probation service and of another and different setup to administer parole.

Correctional treatment, whether in the field of probation or parole, involves the same fundamental processes and utilizes practically the same techniques and methods. Why should we dissipate our efforts when in most cases better results can be obtained by a combination of these

services with an accompanying saving in time, money, and effort, and with no duplication of activities?

I believe that I am correct in stating that for the most part throughout the country parole officers have not been appointed with the same care as have probation officers and that therefore in most cases the probation officers are better trained than are the parole officers. Whatever may be the reason for this situation—and I suspect that it may be due in part to the previous close affiliation between the prisons and the parole officers—is it not wise to recommend that we entrust to officers who have the training and experience necessary to insure satisfactory results, the difficult task of adjusting parolees to life in the community after incarceration, and of restoring them to proper standards of behavior?

The Same Task for Both

From the point of view of economy also, the combination of probation and parole services is desirable. The aim of both is rehabilitation, whether previous to commitment or subsequent to release, and the processes involved in effecting the reformation of the individuals under treatment are practically identical. Parole officers use no special formula which is applicable exclusively to parole treatment. Why then do we need two separate and distinct units to perform practically the same tasks? Why cannot the same unit administer both probation and parole and thus save the taxpayers of the various states the burden of maintaining two overlapping services?

As it is now, most of us are performing our jobs in our own little world, absolutely indifferent to and unaware of what the next fellow is doing. We are inclined to consider that probation is almost exclusively a function of the courts while parole is related to the institutions and is ordinarily granted by a parole board whose members

are appointed by the governor. While this is so it is also true that a probation officer cannot divorce his activity or his interest from either the prison or the parole authorities after the defendant has been committed to an institution. Yet there is often a marked and mutual distrust between probation and parole officials. In some places the probation officers and administrators never visit the correctional institutions and know very little about them and any small degree of cooperation which may exist between the two authorities is purely accidental. Such a state of affairs is certainly not conducive to success. The probation officer must not feel that when a man is sent to prison he is doomed to complete failure and that we must abandon all hope for his ultimate salvation; nor must the prison or institutional authority consider that the probation service has been a failure and can be of no assistance in reforming the men committed to his care. Rather should all of us who are interested in any phase of correctional work picture the institution as a continuation or supplement to probationary treatment, and parole as the logical sequel to the prison term. There is a natural and necessary close intimacy among all three phases of the correctional process.

No service should intrude upon the prerogatives of the other and there is absolutely no necessity for such intrusion. The man on parole is no different from the man on probation. He has the same strengths and weaknesses, the same assets and liabilities, the same temptations and the same difficulties, and all of his problems can be attacked and solved just as successfully by the probation service as by a specialized parole service.

I can see no valid reason to justify the expense, the duplication of service, and the overlapping of effort of two agencies which have similar purposes and methods. I maintain that the better plan is to establish, equip, and

adequately staff a single system, unit, or agency which will be charged with responsibility for all social case work and rehabilitative effort with offenders, whether they be on probation, in prison or on parole.

*Negative Joseph P. Murphy, Chief Probation Officer
Essex County, Newark, New Jersey*

FOR the purpose of our discussion here today the phraseology of the subject of this debate is important: *Should the administration of probation and parole be combined?*

In other words, should the responsibility of investigating offenders and supervising probationers (all probationers without exception), selecting personnel, determining standards, fixing salaries and performing other service related to probation administration be combined with that of parole under the same management and direction? To realize the full import of this question we must appreciate that parole is almost entirely a state function operated under separate administrative control or as a part of an institutional program, and that the use and administration of probation is a local judicial function performed by and under the direction of the court. What we mean then is this: Shall probation be taken out of the hands of local officials and placed under the control and jurisdiction of a state department and combined with parole?

Status of Probation and Parole Departments

Before going into the merits of this proposal let us first ask ourselves these questions: Is it not a fact that there exist today many well administered, fully equipped, efficiently operated probation departments developed under local administration? On the other hand, how many well equipped, politically free, adequately staffed

and efficiently operated united probation and parole departments do we have throughout the nation at the present time? The answer to this may be found in the report of the U. S. Attorney General's Survey of Release Procedures. There is no state coordinated unit that fully meets the qualifications that I have outlined. Why does this condition exist?

Governmental Planning

Getting back to the merits of this proposal, however, one has little difficulty in sitting down with pen in hand like an architect, drawing a blueprint of an organization combining these two services and presenting both a logical and impressive case for the proposal. It is always possible on paper to draw such plans. The President of the United States recently presented such a logical plan to the Congress when he announced the transfer of the Civil Aeronautics Authority to the Department of Commerce. Yet the proposal has caused serious objections and for good reasons.

Today many sincere experts in political and social science as well as responsible social workers are proposing plans for the coordination of governmental functions, particularly in the field of social welfare services. In some quarters it is suggested that public assistance, mental hygiene, child welfare, corrections, etc., be coordinated under single state leadership. These services are more or less inter-related, it is argued, and united leadership and direction would bring about greater efficiency and economy. Perhaps there are sound reasons for this assumption, but on the other hand we must appreciate that there is such a factor known to every engineer as the "law of diminishing returns."

The proposal to combine probation and parole is a part of such planning. It would develop greater effi-

ciency and economy, it is asserted. Moreover, has not the National Probation Association prepared and in attractive form published a model bill to accomplish this purpose? I served on the drafting committee under whose auspices this bill was drafted and am well aware of the document. During the committee hearings we listened to all the arguments for and against this proposal. If one were to accept some of the arguments advanced in favor of a combined department it would be perfectly logical to include in the agency our courts, prosecuting officials and police. Are they not related to the correctional treatment of offenders? Presumably in the interest of probation development, it seemed expedient to prepare such a bill for the benefit of those states where no other plan is possible. Nevertheless the document reminds me of a receptacle filled with water into which a quantity of oil has been poured. The mixture may have usefulness but it is usefulness decidedly limited in character.

Again we are told that the combination of probation and parole is an accomplished fact in some places. Then why debate the subject? Why not accept the procedure, put our shoulders to the wheel and bring about its adoption in all states?

Need for Study and Experimentation

There are a number of reasons why we believe the matter should be discussed in greater detail. First, discussion is the democratic way of making progress. Secondly, our system of government fortunately has made possible a laboratory procedure in the development of governmental processes. Forty-eight states provide the testing ground for theories and practices. Under a great variety of conditions—geography, climate, character of population, cultural and economic standards—our philosophies and theories are subjected to the acid test of

practicality and we make our decisions accordingly. Curiously, one of the results of this procedure is the discovery that the same patterns of government do not always produce the same results in different states. Answers to these phenomena may very largely be found in local traditions, customs, prejudices and outlook which make modifications and compromises both desirable and necessary. Obviously, while many of our tastes, habits and customs are standardized, so far we have not cast our governmental machinery in the same mold.

Experience With Combined Procedure

Before attempting to analyze some of the factors involved in this problem, let me say that I have served as probation officer at a time when parolees were supervised by probation officers in New York. Formerly the New York law required county probation officers to accept parolees for supervision whenever requested by the warden of a state institution. Evolution, however, has created a separate division in the Executive Department and parole is now administered as a separate and distinct state function. In New Jersey where I have served for the past fourteen years parole is administered by two agencies, the Division of Parole, State Department of Institutions and Agencies, and a separate parole department operated out of the state prison under the direction of the warden of that institution. Probation on the other hand is a county function. Twenty-one departments in as many counties administer probation under the jurisdiction and control of county judges, without central supervision except that which theoretically might be exercised by the chief justice of the Supreme Court. Perhaps, therefore, my lack of experience with a centrally organized probation and parole unit has conditioned my attitude on this subject.

Reasons for Coordination

What are some of the reasons advanced for coordination? We are told it would bring about greater efficiency. Candor compels us to admit that frequently consolidation of function does bring efficiency. The totalitarian countries have gone the limit in consolidation of power and function and unquestionably they have efficiency. But at what cost to themselves and the rest of the nations of the world!

Chain stores have been built upon a pattern of consolidation of function and they likewise have efficiency. Moreover, they have economy in purchasing power, administrative cost and other business practices. But we have discovered that every time a local neighborhood loses an independent, small merchant, something important has disappeared from neighborhood life. Ask anyone who has sought financial assistance from chain store managers for purely neighborhood or community affairs to describe his experience. One answer to this situation in business is an association of small merchants cooperating with a central unit for purchasing, distribution, research and other coordinated functional services. Does such a plan hold any suggestion for a solution of our own structural problems?

Again, chain stores like every other large territorially broad concern have discovered many times with financially disastrous results that the law of diminishing returns still operates. There is a point in every business or organization where it becomes both socially and economically unwise to grow any bigger. As a matter of fact the problem of "bigness" is being fought out all over the country at the present time. Formidable supporters may be found on both sides of the question. In organizations and procedures dealing intimately with the lives of people, however, where intimacy of relationship and flexible

policy of treatment are essential, and opportunity for quick decisions imperative, the organization should not be too large, should not cover too much territory nor have control located too remotely from the point of administration. Perhaps that is why relief has persisted as a local function and why so much opposition has been offered to any plan that interferes with local responsibility and administration.

Old Problems

Problems involved in this question are by no means new. In one form or other they have existed since public responsibility for the support of the "poor" or "destitute" was recognized following the abolition of the great religious houses in England during the reign of King Henry VIII. Among the poor of those earlier days were the aged, the blind, the crippled, dependent children and the inmates of prisons. Workhouses, although for the most part they were really almshouses, were maintained for those who were deemed worthy of opportunity to work, while houses of correction were provided for the confinement of those who violated the law. At first these functions were local, then they became county responsibilities. This pattern of governmental responsibility in part remains but it has had considerable modification in this country during the past one hundred years. Today the state assumes responsibility for many functions in the treatment of criminals, delinquents, the insane, the feeble-minded, dependent children, the aged. Furthermore the federal government has stepped in and now through its social security procedure participates both financially and in the fixing of standards in the administration of some of these services. But it is interesting to note that where people must be treated in local neighborhoods in their own homes, this participation takes the form of sharing

the financial cost and fixing standards of administration. Actual administration is left in the hands of local officials. Here again is a pattern we should not disregard when attempting structurally to reorganize our probation and parole systems.

Historical and Other Reasons for Objections

Is there any specific reason, historical or otherwise, to which we might look in determining what our policy should be in this matter? First of all, we know very well that probation evolved out of a desire on the part of judges to save offenders from the evils of incarceration. Strangely, on this point there seems to be some doubt even among social workers. Recently I read an article by a prominent social worker in a responsible social work magazine, in which the following assertion was made:

Parole was established in 1876 as an integral part of correctional service at the reformatory at Elmira, N. Y., and adult probation first became a reality in connection with the criminal courts of Boston, Mass. by statute in 1878, thus relieving institutional pressure.

Of course probation was legally authorized in that year, but we also know that as far back as 1830 Judge Thatcher of Boston began to release offenders under suspension of sentence in the care of volunteers who attempted to keep them out of further conflict with the law. This practice had become a definite policy of Massachusetts courts before it was legally authorized by statute in Boston. Other practices also in our courts and in the courts of England dating back to the common law were likewise invoked by the judges to mitigate the harsh punishments of the criminal procedure. On the other hand, during the past twenty-nine years I have known of no instance in which a judge has granted probation in order to "relieve institutional pressure."

All through the early days of probation development emphasis was placed upon the need for individualization of treatment as opposed to mass treatment in institutions and the need for protecting offenders not confirmed in or habituated to criminal practices from the evils and futility of imprisonment. These were the bases upon which our local fiscal authorities were persuaded to provide facilities for the social treatment of offenders in our local courts. With our increasing population, our additional laws, and the increase of offenders, the need for such facilities became more imperative.

State Correctional Policy

Probation and parole we are told are parts of one correctional process and for that reason they should be combined. Without hesitation we admit that these services are a part of a state correctional policy. On the other hand, are there any reasons why they should not be controlled and administered by the same agency? Let us consult the reports of the National Commission on Law Observance and Enforcement¹ (Wickersham Commission) in which some very pertinent observations are made on this subject. Speaking of the effects of imprisonment, the commission has said:

The habit system of the prison is no help to readjustment. It develops just those qualities that make for lack of readjustment. It is here that the reasons for much of the prison failures are to be sought and found. The habits given the man inside the institution are such as to unfit him for ready return to a normal scheme of living and working. This factor, plus the new attitude developed toward the returning criminal, the expectancy on the part of the community that he will continue as a criminal, the notion that "once a thief, always a thief," the dramatized and exaggerated significance of the one act in the life pattern of the individual, of which we spoke before, become real impedi-

¹ Report No. 9 *Penal Institutions, Probation and Parole* Washington, D. C., U. S. Government Printing Office 1931, p. 147-9

ments. Unfortunately they tend to become true in practice. It is difficult upon release to shed these influences that have come with confinement. Associations within the prison develop a series of contacts with the crime world—friendships, information, belief and attitude that make more difficult the normal readjustment, encourage continuance in the career of crime into which he was initiated by his first, mayhap incidental, act, identified by his arrest and confirmed by his prison sentence.

But what does the commission say with respect to probation?

The probation system avoids these difficulties. It falls back upon those interests, contacts and habits which the individual has in his own little world and utilizes them for the submergence of the act which has brought the individual into conflict with the law and gradually readjusts him to the continuance of the normal life which went on before the act took place and which it is hoped will continue after the period of training has passed . . . Probation keeps the man's personality in its old moorings. It makes no violent or sudden wrench in his daily habits. It does not destroy his family relations, his contacts with his friends, his economic independence. All that is good and desirable in his old habits is retained. Every contact, interest, emotion and habit which can be utilized to keep the individual's relations with his community within the expected norm come automatically into play and become powerful factors, straightening the individual habit patterns back to normal.

Here we find two contrasting effects of treatment which are inherent in these two services and provide the principal reason why they should not be combined.

Public Attitudes

Psychologically as well as socially it seems advisable to administer probation and parole as separate services. There does exist a public resentment to convicts. This is unfortunate but nevertheless true and something which administrators, if they are willing to face realities, must admit. Parole has unpleasant connotations in the minds of the greater part of the public. Evidence of this may be found in the survey of public opinion made several

years ago by the American Institute of Public Opinion as well as in the reports of parole administrators. Perhaps it would be well here to quote from one of the more recent reports of a parole administrator, who obviously is in touch with public opinion on the subject. I quote from the 1939 annual report of the Rhode Island Parole Board of which Mr. Joseph H. Hagan is secretary:

Parole is under fire. Throughout the country there are many people who have little faith in it and to a large section of the public the word has an invidious connotation. Some of the criticism is justified but I am convinced that a great deal of it is due to misunderstanding and prejudice, largely because in some parts of the country there is parole philosophy and administration so inadequate that there have been many abuses and careless and corrupt administration. A prisoner improperly paroled anywhere in the country weakens the entire system of parole since the public seldom distinguishes between parole in one state and in another. All the public knows is that a man has committed a crime while on parole, regardless of the circumstances under which that parole has been granted.

Further proof of this attitude may be found in every city if one wishes to dig beneath the surface of community attitudes. Quite recently a symposium on employment was arranged for one of our staff meetings in Newark. Among the four persons participating were the director of a public junior employment service and the public relations director of a large industrial concern (who incidentally is a socially progressive individual). The public official asserted that his agency met great resistance on the part of employers toward the employment of persons convicted of crime and particularly persons who had had prison experience. The public relations director in private industry frankly stated that his company under certain conditions would consider the employment of probationers but would not accept applicants who had served penal or reformatory sentences.

On the other hand, when probation and parole admin-

istration is combined, so far as the public is concerned these two groups of offenders will be treated interchangeably. Probationers will gradually fall heir to the same vindictive, resentful, discriminatory attitude which today prevails against parolees.

Social Offenders Omitted from Plan

I have observed that whenever the subject of combining probation and parole is discussed with the advocates of this plan, they seem to think only in terms of the serious offender, the felon. Seldom do we hear them speak of juvenile offenders. In fact they do not contemplate the inclusion of juveniles within the scope of a coordinated agency. This attitude is confirmed in the standard probation and parole act recently released by the National Probation Association. Neither do they speak very often in terms of the minor offender in our local municipal courts, the non-supporter and the parent guilty of neglect; nor in terms of the woman sex offender in our municipal courts. Yet we are told in the report of the Attorney General's Survey of Release Procedures that "one of the most fruitful fields for the future development of probation lies in the minor courts."

Practices in some of our state parole departments are also disquieting when this matter of combining probation and parole is considered. Because of the confirmed criminal personality patterns of most parolees, there seems to be a tendency to emphasize the punitive or law enforcement aspects rather than the social aspects of treatment. Parole officers in these departments carry guns, handcuffs and other emblems of force. Emphasis of this character would quickly result in failure in the care of children, the domestic relations offender, the woman sex offender and other probationers involved in minor offenses.

Do we wish then to combine these offenders found guilty of trivial or so-called social offenses in our minor courts with parolees from our state prisons and reformatories, who have undergone the experiences described by the Wickersham Commission and who must carry the cross of public resentment and vindictiveness? And yet this is exactly what the effect will be if we combine under one leadership and control the probation and parole systems. Moreover, if we establish such a structural organization local judges will refuse to place offenders on probation under these circumstances just as they have done when criminal procedure has been too rigid or harsh. Perhaps this may be one of the reasons why the American Law Institute in its new plans for the care of adolescent offenders proposes to take away from the court the right to release on probation or in fact to sentence, except in those cases where offenders are convicted of offenses punishable by death or offenses requiring a very small fine.

Competition for Funds

Another argument advanced for coordination is the fact that it will eliminate competition for funds in legislative and fiscal bodies. Today we are told that this competition results in uneven appropriations for equally important services. This may or may not be true. If such a condition exists today probation will suffer in the future under a coordinated plan. Institutional authorities are frequently motivated in parole administration by the need of relieving institutional pressure. Personnel will be devoted largely to this problem. Moreover, the operation of state institutions is a matter of immediate concern to state officials, while the local community and its problems are more or less remote. When state budgets are considered legislative committees are concerned pri-

marily with state problems and the pressure exerted in behalf of state institutions. Local officials have difficulty in getting recognition for their needs or a favorable response to demands for appropriations for neighborhood services.

Local probation officials, however, have an intimate relationship with judges. They are in close working cooperation with county or municipal authorities. They deal constantly with local welfare agencies, both public and private, as well as law enforcement officials. Because of this intimate relationship they are able to interpret the needs of their departments much more effectively and to bring about creation of facilities to meet those needs more readily than a state agency is likely to do. That is the reason why so many municipal and county departments have been able to acquire more or less adequate facilities while the state coordinated departments have been relatively unsuccessful. The report of the Attorney General's Survey of Release Procedures is highly enlightening on this subject:

- 1 The centralized state organizations show a marked tendency to combine probation and parole in the same department.

- 2 In the centralized state units the ratio of administrative officers to field officers is about one to eight, while in the centralized county units it is about one to five, and in the metropolitan departments there is usually one supervisory officer to three field officers.

- 3 The staffs of metropolitan departments have a higher proportion of women officers than any of the other groups.

- 4 Thorough presentence investigations are indispensable to effective probation work. The centralized county and metropolitan organizations are most advanced in this respect.

- 5 Aside from Rhode Island, in the centralized state departments studied, pre-probation investigations are made in only a small percentage of the cases . . . Where the department serves many courts throughout the state, it is a physical impossibility

for officers to be in regular attendance unless the staff is large enough to permit assignment of at least one officer to each court.

Again, in the matter of the use of volunteers, personal reporting by probationers, home and community visiting and other case work procedures, interpretation of probation results through annual reports, etc., the survey found that the centralized state departments were considerably behind the county and metropolitan departments.

These comments in the Attorney General's report as well as other information available all tend to indicate that while there is still vast progress to be made locally, so far local probation departments have been able to secure far more adequate appropriations and facilities than the centralized state departments.

Incidentally, quite recently we have observed a reversal of the trend toward coordinating parole and probation departments. The federal government has taken out of the Bureau of Prisons and placed under the Administrative Office of the U. S. Courts the supervision of probation in the federal courts. This marks a return to judicial control and administration similar to that which took place in Massachusetts in 1891 when the administration of probation was returned from the municipal authorities to the judiciary.

In conclusion may I quote from the Wickersham Commission:

Probation must be considered as having become a permanent and fixed feature of our attempts to deal with the problem of crime, but the range of its applicability, the character of its administration and the specific machinery best adapted to its use is still in an experimental stage. They are experimental in the sense in which most of our activities dealing with the problem of crime are experimental. We are always seeking new ways and new methods of handling specific problems.

Nevertheless, it is our measured judgment that so long as the court retains power to sentence, so long as the

court must pass upon the eventual disposition of offenders, the power to administer and control probation should remain as a local judicial function. On the other hand we see no objection to any plan through which the state shares financially in the cost of probation nor in the fixing of standards of administration. Undoubtedly this would help to equalize the development and progress of probation throughout large areas of each state and bring about greater uniformity of application, administration and interpretation. This is the ideal and the objective toward which we should chart our course.

Supervision of Workers in a Probation Department

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THE role of the supervisor in a probation department is a challenging one. With the increasing interest in socialized treatment of the neglected and delinquent child and of older offenders, case work procedures have become an essential part of the development of probation. The supervisor assumes the responsibility for the guidance, direction and growth of the probation officer.

Within recent years probation has been accepted in the profession of social work. Young men and women are seeking entrance into this field as a definite career. We look for the same personal qualifications in probation officers as we expect in other social workers. They must possess sensitivity, understanding, honesty, dependability, enthusiasm, intelligence and a sense of humor. They have chosen this division of the social work profession because they are interested in the individual who has not made an adjustment in the community. So that in addition to these qualifications they must have a real feeling for the emotional drives which are an important part of the picture when the child or the adult comes in conflict with the law.

The probation officer should use the skills which will help his client to adjust in the community within the setting of an authoritative agency. At no time should he use leniency without complete understanding of the whole

problem. While a probation officer should realize that the individual has a right to make his own choice and participate in the plans that are made, the client must be informed that he is responsible for his own acts. Much guidance and help should be given so that the client will accept the consequences of his choice.

Professional schools have added courses in the prevention and treatment of delinquency and are seeking field work placements for their students in probation departments. These schools are looking to the probation departments to provide well-rounded supervision to enrich the student's job experience. In addition to this, supervision must provide well trained and well oriented staffs so that the present and future probation officers may use social case work techniques on a professional level.

Essentially the same problems face the worker in the court as confront those of other social agencies but there are certain real differences. The family which comes within the jurisdiction of the court does not do so voluntarily. Many clients have been known to a number of social agencies before their appearance in court. The probation officer will need the continued help and advice of these agencies and others during the time that the family is under the jurisdiction of the court. The probation officer should bring into play the cooperation of all these community forces in order to help his client to adjust. However, this social work procedure must be carried on within the legal limitations which are set up by the court and probation laws.

In addition to the case work procedures which are necessary in helping the individual to straighten out his problems, the probation officer must remember that his treatment of the client should be related to the protection of others in the community. Uppermost in his mind is what is best for the individual in relation to his family.

But when that individual harms others in the community, this fact must be taken into consideration in planning for him.

The supervisor has a fourfold responsibility: responsibility to the client, to the judge and to the department, to the probation officer, and to the community. Let us consider first the responsibility to the staff member. When a social worker enters the field of probation it is the supervisor's responsibility to help him to understand the history and philosophy of the court in which he serves. This is even more essential for him than to learn the duties of a probation officer because these are set forth in probation manuals or are otherwise available. The right understanding of the motives back of these duties will build up many helpful techniques. The probation officer must be aided to accept and believe in the responsibility of the court. He must understand the place of the court in the whole picture of prevention as well as in the treatment of delinquency and crime.

Importance of First Contact

This is a teaching process for the supervisor. Case treatment begins in the first contact of the client with the probation department. Workers must recognize that the client's first contact is of utmost importance; that a resistance built up at this point may take a long time to break down. The supervisor should help the probation officer to understand that he meets the client under great emotional stress. Underlying this emotional stress comes the feeling of guilt and fear which is present in every offender before the court even though it is covered by an appearance of bravado or indifference. The supervisor must help the probation officer to see the client at the point where he now is. He should not impose his own standards on the probationer, and should realize all

of the limitations in the latter's background. More than in any other type of social work, it is necessary to guard against a judgmental attitude.

Frequently plan of treatment after plan of treatment is tried, for the probation officer, unlike many other social workers, cannot "close out the case" if the client refuses to cooperate. He must have a great deal of patience and understanding to carry on to the time when the probationer at last sees the need of help and turns for advice and guidance. There may be a period of weeks when the client is feeling only the restrictions of court supervision, and it takes unusual resourcefulness to overcome this reaction. Such resourcefulness is a necessary part of a probation officer's skill. The supervisor should help the worker to understand the reasons for changing treatment and must caution him not to be too optimistic over what may be only a surface adjustment in these difficult, emotional situations.

Analyzing Our Work

The probation officer should be helped to understand that surrenders back to the court are frequently a very valuable part of the treatment process. He must gauge the time at which it will be most helpful to return his client to court. The necessity of returning is sometimes an ego blow to the probation officer, but he must analyze this in relation to all other treatment factors and to the picture as a whole. From our failures we should learn more than from our so-called successes. Frequently a surrender to the court and subsequent commitment is not necessarily failure of probation treatment nor failure on the part of the probation officer. The most skilled officers are handicapped by lack of community resources. The problems within the home itself may present so many difficulties that it is for the probationer's best in-

terest to remove him. Removal is sometimes necessary for the protection of others in the community. Visits should be made by the supervisor and the probation officer periodically to all institutions to which commitments are made. They should have knowledge not only of the institutional training program but of the spirit of the personnel.

Here I should like to make a plea for more scientific analysis of our work. We go on day by day so involved in the hourly details of the job that there seems to be no time to stop for a study and evaluation of our work. In many of the other sciences measuring rods have been accepted whose use has made for further growth. Some attempts to do this have been made in the social work field. In order that probation may grow and progress, we should study our cases at the point of so-called social breakdown and learn how we can use our skills to avoid more serious consequences.

Frequently personal feelings and prejudices of the probation officer limit his ability to use his knowledge. When this happens I feel that the supervisor should help the worker to remove these obstacles to the performance of his duties. She has a real responsibility for the educational growth of the worker. In addition to imparting her own scientific knowledge she needs to encourage further study, attendance at conferences and institutes, and the reading of professional magazines and books. Aside from the consciousness of professional progress which the supervisor can give to the probation officer, she must help him to find deeper satisfaction from his work by developing greater understanding of people, their drives, attitudes, needs, and reactions. As he gains more scientific knowledge he has a better picture of his own responsibility in relation to the problems of his clients within the function of his agency. This growth must

be in addition to his factual knowledge regarding the procedures of other agencies, resources in the community, social conditions and social planning.

It is the supervisor's responsibility to help the worker to take all he has learned and integrate it as a part of his own skills and personality. The probation officer should not depend upon the supervisor to substitute her knowledge for his, but to supplement his. On the other hand the supervisor should not encourage the worker to depend on her for all decisions without thinking through the matter himself. I like to think of supervision as counseling. The supervisor, through years of personal experience, has developed a knowledge of techniques but it is the probation officer who will work directly with the client, whose feelings, opinions and practices should be respected. A probation officer should be allowed to try a plan in which he has faith even though the supervisor feels that it may not be the best one.

The ordinary routines of work make an overwhelming demand for physical strength and emotional stability on the part of a probation officer. The supervisor should help the probation officer to see what is most important in his job, help him to develop short cuts in his work, to organize his duties, for instance, so that the daily routine dictation does not become such a bugbear that it absorbs the time and energy needed for work with probationers.

In court presentations a probation officer must be familiar with all aspects of his case. He must have facts, not hearsay evidence or impressions. He must present his case in the courtroom in an intelligent, objective manner so that the client may feel that the court has a complete and fair picture of the situation. Frequently a new worker, under desire to justify the case, stresses the failure on the part of his charge to obey the court's order and

the difficulties of his relationship. He does not always give to the judge a fair picture of the assets of the case. A test of fine relationship lies in the client's willingness to say to the probation officer, "Well, anyway, I know that you gave me a fair deal," even after the judge has committed the boy or girl or the man or woman to a correctional institution.

Counseling

The supervisor must be aware of the depths of the problems in these relationships between the worker and the probationer, and must help the worker to bring them out into the open. A supervisor has a real responsibility to bring about such an understanding between herself and the probation officer that the latter will feel free at all times to bring his problems to her, even if doing so places him in an unfortunate light. She should never allow the probation officer to feel defeated. The worker who leaves the supervisory conference with a feeling that everything has gone wrong and that he has done nothing right cannot approach his day's task with the sense of balance so needed in our work. More than in many other types of social work, the supervisor must be accessible to the probation officer. She should have a quiet, undisturbed place for conferences. The probation officer should feel that he may have all the time he needs for help with his problems. In addition to the individual conference period, staff meetings which are planned by the staff itself can be a very helpful factor in the teaching process. A supervisor should create such an atmosphere that probation officers feel their opinions are respected and that their advice is sought.

I have found the case work conference with other agencies of great help in the development of our work. The probation officer is encouraged to prepare his case,

presenting the views of the court and then interpreting the philosophy of the court to other social workers and interested individuals. Relating experiences which the agencies have had with the family at various points brings out community facilities. Only when such available resources are brought into closer relationship can probation work realize its full value.

Evaluating the Worker

The evaluation of the probation officer is one of the most important functions of the supervisor's work. This evaluation should go on day by day during conferences. The probation officer has a right to know how his work is progressing and how the supervisor feels about his work. Such estimates should not be put on a percentage basis alone.

Consideration should be given to both professional skills and work techniques. To what extent does he use techniques in which he has been guided by his supervisor to acquire new methods of work and adapt them to work with the client? Does the probation officer uphold the policies of the department? Has he accepted them and does he believe in them? Is he found loyal to his supervisors and to his co-workers? These attitudes contribute to the esprit de corps of the department which can be so easily impaired and is so vital to the work.

To what extent does he participate in the social service and civic groups, not only attending luncheons, but actively working with the groups? Does the probation officer profit by reading professional literature, attending and taking part in conferences? Does he take courses if he is not a graduate of a school of social work, and if he is, does he continue to study? Does he keep his interest in legislation and changing methods in the whole field? To what degree is he accepted by his clients and

how do the other agencies rate him? Does he secure the confidence of the person he is interviewing and control the content of the interview? Privacy and pleasant surroundings help the client feel at ease. In addition do we find the probation officer calm, unhurried and friendly?

It is important in guiding a probation officer's work to help him to see the real problems in the interviews, to sift the important data and to discover the client's own plan. Does he use collateral sources tactfully and skillfully and defer judgment until the necessary data are verified? Are his plans of treatment clear and workable and does he vary these plans as situations change? Are his diagnostic summaries thoughtful or does he fail to see reasons for successful or unsuccessful adjustment? Does he secure cooperation in planning and developing new resources and does he use them to advantage? Does he sustain interest throughout the entire probation period or is he enthusiastic at first and indifferent later? The probation officer's own ability to evaluate himself and his contribution is the first test.

A skilled supervisor will make every effort to direct the worker in as constructive a manner as possible but she should not ignore those attitudes or practices which do not contribute to the best service of the agency. She should discuss with the worker from time to time his attitudes towards other people, the situations which he has not met well, his greatest assets for the job and how they can bring about even a better performance, his capacity to cover his complete case load. It must be recognized that skills are hard to measure, and here the supervisor must be as objective as possible. Written evaluations of probation officers should be kept at regular periods. What goes into the record this year may not go in next year. These evaluations should show continual growth if the worker is to remain on the staff.

The Community's Stake

Now let us look at the responsibility the supervisor has to the community. The place of the court in any community is an important one. If a program of care for the delinquent child and the adult offender is to be carried forward, the supervisor should help the probation officer to see his relationship to the community, for only if the probation officer is a respected member of the community will he be respected by his client. He should take part in community activities. He should be concerned with the needs of his community as they are reflected in the needs of his clients. The supervisor should help him to see from a study of his cases the opportunities which are his to stimulate community programs for recreation, health and education. He should interpret the needs of the client to the church. Frequently the supervisor should go into the field with him and help him with difficult problems of community inter-relationship. He should be informed on legislative changes, not only local and state statutes, but also new federal laws in the field of social work.

The supervisor herself should be one of the respected social workers in the social group. She should be a member of the American Association of Social Workers, take a leading part in the council of social agencies, help to plan for programs and if time warrants, belong to a service club.

There remain two responsibilities which the supervisor must fulfill, her responsibility to the judge and to the director of her department. The supervisor is responsible for carrying out the philosophy and policies of the court. She should interpret the court to other social workers and she can be of real service to the judge by interpreting to him case work techniques, the policies of other organi-

zations, and the status of community facilities. On the other hand she is needed frequently to interpret the decision of the judge to other social workers. It is her responsibility to the administrative head of her department to carry out its policies and to suggest changes in these policies. It is her responsibility to keep him informed of the progress of individual workers.

At the beginning we stated that supervision was a give and take process and the supervisor should continue to grow and to learn. Probation officers are frequently able to help her develop further techniques. Officers of various nationalities can increase her knowledge of the cultural background of their people which she could not get in as vivid a manner from a textbook. She endeavors to develop probation officers who can carry on their jobs unhampered by prejudices, but even more important, she must learn to carry on her own job without prejudices. She must develop a clear, middle of the road philosophy in relation to the court, the client and the community. She must have a scientific approach to the understanding of individual and social problems. Most of all she must have vision and contagious enthusiasm. Workers who have been on staffs for a long time often say that what they need most from their supervisor is sustained vision so that they may not become static or get into a rut.

The techniques of supervision in a probation department make many demands upon the supervisor's own capacities. She must fulfill her responsibility to the court, help to see that clients make a better social and personal adjustment, and orient the probation officer to the community program through her role as consultant, teacher, guide and friend.

Discussion

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IN her well written paper Miss Cherry has presented a picture of the functions and role of a supervisor, and in discussing her paper I shall naturally follow her lead and limit my remarks to staff supervision. One point in Miss Cherry's paper I should like to emphasize, one I should like to add to, and another I should like to challenge.

First, I heartily endorse the point that the major function of the supervisory job is that of teaching. Whether one is a supervisor in a probation department, a "straw-boss" on a construction gang, or a foreman in a shoe factory, the principle behind the job is the same. Teaching becomes the means of staff development and professional growth. Realization of this important function of a supervisor indirectly calls attention to one qualification. If a supervisor is to be a teacher it is imperative that she know her subject. If she doesn't know it she then becomes what I like to call a "checker," that is, she checks to see if this is done and checks to see if that is done. A stenographer who is good at routine can do this checking job just as well as a supervisor. We may be well assured that no staff development will follow this type of supervision.

Supervision then is a teaching process, and in a probation department the supervisor must teach case work. She must help the worker to understand the client, and he in turn attempts to help the client understand himself.

But teaching of case work goes further than this. If it is to be well taught it must include all phases of the case

work job. Here is one of the additions I should make to this paper. It seems to me that one of the big responsibilities of the supervisor is to teach the administrative aspects of a case work job. Theoretically a probation officer or a case worker will have learned the basic principles of case work in his previous professional training, and although these must be supplemented in contacts with the supervisor, it is very essential that the administrative aspects of the job are not overlooked. While a probation officer may learn the principles involved in dealing with people in his professional school training, few schools that I know about have taught much about the administrative aspects of the job.

Organizing the Day's Work

What does a probation officer do besides work with his clients? He really does a great many things when we stop to analyze them. For one thing he comes to work on time as a part of the case work job. There are definite reasons why he should do this. By the same token he quits work on time and there are definite reasons for this also. If he doesn't quit on time it may be because he has too much to do and this overwork becomes an agency problem. Again, he may not quit on time because the organization of his work is poor, and this phase of his job most definitely is administrative. A worker must dictate, and he must be taught not to be verbose and at the same time not to take so many short cuts that important information is omitted. Possibly the probation officer makes statistical reports or other types of reports. He must learn how to do them correctly and why it is necessary for the sake of the entire department to turn them in on time. A probation officer must plan his visits for the day if he is to function with the greatest efficiency. I believe we all agree that contacts with a probationer are

best made in the home rather than in the office. But if travel expenses begin to exceed a limited department budget, the supervisor, rather than suggest that the worker eliminate some of his home visits, may instead take a look at his route sheets and possibly help him schedule his visits to save unnecessary travel. All these things and many others fall within the administrative aspects of the case work job, and if a supervisor is to be worthy of that title she must help the worker learn the why, when, and where of these duties. It must be kept in mind that administrative efficiency gives the client more and better service.

We see then that supervision is teaching and that one must teach the total job. What are the methods or the techniques of this teaching process? This is a question which cannot be answered categorically. There is no one technique because fundamentally the teaching process is one of relationship between the supervisor and the worker. A supervisor may use one method of teaching with one worker and a different method with a different worker for equally good results; or another supervisor may reverse the methods of the first supervisor since the relationship is dependent upon the particular personalities of the two persons involved.

We can, however, point out certain attitudes of supervision or teaching. Bertha Reynolds, formerly assistant director of the Smith College School for Social Work, has described supervisors' attitudes by the use of three catch phrases. She points out that three attitudes which may be found in supervision are those of the mother hen, the watchman, and the queen on the throne. We can't dwell on these three excellent catch phrases, however, nor can we single out one as more nearly the attitude which we should adopt to do our best supervision work. Those of us who have lived in the country remember that there

are different types of mother hens—you have seen one who leaves her flock and goes about her own business paying no attention to the chicks when they really need leadership, maybe to get in out of the rain or under cover when a hawk flies over. You have also seen the mother hen who runs after her flock and clucks to them long after the young are able to care for themselves. In a social work setting we would probably say that the latter type of mother needs the chickens much more than the chickens need her.

The same extremes may show up in the other two attitudes. Probably all of you some time or other have in driving come to a railroad crossing where a train is switching. The watchman perhaps comes dashing out with his stop sign and holds up a whole line of automobiles. Then it becomes clear that the train isn't going to cross the road anyway, and the cars on each side of the track were needlessly held up. On the other hand I am sure you have all read of disasters brought about by the watchman's failure to hold up his sign in time.

Although few if any of us have had the actual experience, we have all read in history of widely differing queens on various thrones. We have all heard of Good Queen Bess and of Marie Antoinette. So we see that it is impossible to generalize without qualifying reservations about these three typical attitudes of supervisors or teachers. I believe we all recognize that it is not possible to be a good supervisor without formulating a teaching viewpoint which is a composite of the best parts of the three attitudes described. One cannot be a "mother hen" type of supervisor exclusively and at all times get the best results from the workers. There may be times when it is necessary for a worker to recognize authority or to at least recognize the supervisor as a symbol of authority. Likewise it is impossible for a supervisor to be only a

"watchman" because occasionally she must step in with the authority delegated to her and prevent some action which would be seriously damaging to the client, the worker, the agency, or the community. At other times it may be perfectly justifiable to sit back and calmly watch a worker "burn his fingers" as a part of the teaching process. In contrast to the few times when the supervisor may find it necessary to exert authority there are many times when she may have to devise subtle ways of encouraging the worker to take some new step or use some new method in his work.

The Value of Failure

It is at this point that I should like to challenge one statement made by Miss Cherry, "The supervisor should never allow the probation officer to feel defeated. The worker who leaves the supervisory conference with a feeling that everything has been wrong and that he has done nothing right, cannot approach his day's work with the sense of balance so needed in our work." As a general statement this would certainly hold true. However, I can imagine times when it would be to the developmental interest of the probation officer to have his sense of balance somewhat upset. Particularly is this true if his so-called equilibrium is balanced unwisely. Thus a worker in seeking the causes of delinquency may see only certain sociological aspects such as bad housing or poor recreation. Then possibly as a teaching process it would be wise to upset this assurance or sense of balance by over-emphasizing, in discussion with the worker, personality factors as they contribute to delinquency. The end result would be a better balance between the two extremes.

I should like to emphasize for the supervisor the importance of a thoroughgoing knowledge of case work in its many ramifications. In addition she must know how

best to help the worker through many intricate situations. She must be a stable, emotionally well adjusted and well balanced person who can see the strengths and weaknesses of the probation officers objectively. And finally she must be aware of personal relationships in the department so that each worker whom she supervises will have full and equal opportunity to grow with her and with the job.

VIII TELLING THE PUBLIC



Probation and Parole Publicity in the Press

GILBERT COSULICH

Director of Publicity, National Probation Association

ALTHOUGH I wish all of my hearers a long life, I do not think that any of us will live to see the printed page discarded as a medium of publicity. I have no thought of disparaging the great services rendered to social work by the radio, the motion picture and the lecture platform. Each has a place in the publicity cosmos. I merely wish to say that it will be many years before there can be found a complete substitute for Mr. and Mrs. John W. Citizen's favorite newspaper. The spoken word is uttered and then, like the moving finger in Omar:

Moves on; nor all your piety nor wit
Shall lure it back.

The same is true of the image on the screen. You cannot clip out and reexamine what you heard on the radio last night or what you will see next week at the movies.

As a matter of fact, recent figures printed in March of this year by *Editor and Publisher*, newspaperdom's most important trade journal, show that in the last twenty years the circulation of daily newspapers has increased 42.7 per cent; Sunday newspaper circulation has expanded 84.5 per cent, while the entire population gain of the United States has been only 24.3 per cent.

It is not within the province of this brief paper to trace the history of newspaper publicity. The old time circus

press agent, with a black cigar in one hand and a bunch of free tickets in the other, was one of the earliest exponents of the craft. (Yes, the word begins with a "c", not a "g".) The circus is an ancient and accepted institution in this country; and the circus press agent's vocation is nearly as ancient, though sometimes not quite so well accepted.

Presently the press agent became more professional and called himself a "publicity director;" and finally he achieved the acme of respectability, moved over to Park Avenue, put on spats, acquired a cane, and presented an engraved card bearing the cryptic words, "public relations counselor."

Probation and parole are based upon an abstraction—the doctrine that human conduct can be deliberately changed for the better by means of intelligent socialized treatment of the individual. Because of their intangible character, probation and parole present certain special publicity problems. Probation especially does not easily lend itself to dramatic treatment, for its bloodless victories are often won during quiet, heart-to-heart talks within the prosaic confines of a courthouse office. The influences that cause an offender to abandon an antisocial course of conduct and strive to become a good and useful citizen are not so spectacular as a lethal chamber, a crackling machine gun, or a midnight chase in an armored car.

Yet these victories, though won with imponderable weapons, are both real and important. The publicity problem is to translate those imponderables into tangible, dramatic terms that the layman can grasp.

What is News?

In helping us to determine what is acceptable newspaper probation and parole publicity, the Golden Rule

as usual is a safe guide. Say to yourself, "Suppose I were on the city desk and an eager social worker came in with this bit of news. Would I print it?" Or better still, say, "Suppose I were a layman, not engaged in probation work, would I *read* it?" It does us no good to get an item printed if it isn't read!

In other words, let us try to keep an objective viewpoint concerning our news. Verily, the Golden Rule of publicity work might be stated thus: "Do unto editors as you would have others do unto you if you were an editor."

Unfortunately, however, the problem is not quite so simple as that. We must probe deeper—as deep as that fundamental problem of newspapering: What is news? In other words, *what interests people?*

A touch of nature, says wise old Ulysses in *Troilus and Cressida*, makes the whole world kin. A newspaper man calls such a touch "human interest." The trick is to relate a specialized subject (probation or parole) to general reader interest. A baby, a boy and a dog, personalities, pretty girls, public economy and public extravagance, love and marriage, health and disease, safety and danger, peace and war, crime and its prevention, life and death—all these are among the things that interest most readers, in varying degrees.

Types of Newspaper Publicity

How can we tie up probation and parole to one of these many reader interests? In the answer lies the key to publicity success in our field. To begin with, the average newspaper reader does not care for abstractions. The most profound and polished essay on case work would scarcely get by the city desk.

But tie that essay to a human being—that is, have some well known personage say the things you want

known—and you have a better chance with the hard-boiled editor. This is called the interview. The value of the interview—which includes also the prepared statement handed to the press—depends upon two factors: (1) big name; (2) interesting or striking statements in the interview itself.

Let me illustrate by means of extreme examples. If President Roosevelt were to come out tomorrow morning with the most commonplace sort of comment on probation—the kind of comment that you and I may have made many times unnoticed—it would still be news, because of the big name back of the utterance.

On the other hand, if some statistician in Walla Walla, Washington, were to announce that blondes make better probationers than brunettes, the item — whether we agreed with the statement or not—would probably get some publicity because of its unusual character.

It may be argued, and with justice, that probation and parole are not like the famous showman who is said to have been willing to have his name appear in the papers in any connection, whether favorable or unfavorable, so long as his name was mentioned. We are interested in spreading constructive information about the cause to which we are dedicating our lives. But information can be constructive without being dull. It is possible for probation or parole officers to give out helpful interviews to their local newspapers without being preachy.

Facts and figures regarding the saving of the taxpayers' money, the preservation of the family structure, the rehabilitation of individual offenders and the resultant prevention of crime—all these can be presented in a readable or, shall I say, palatable manner.

Some newspapers use interviews only sparingly. When I was with the Associated Press it had a rule that interviews only with national or international celebrities would

be carried over its wires. In recent years the AP seems to have relaxed this regulation somewhat.

There is one type of important statement, however, which is almost sure to receive some publicity. This is a statement made at a public meeting or a professional conference like ours. Whenever a considerable number of persons gather for some common purpose the gathering itself constitutes news, carrying along with it some of the talks given there. The identical remarks made in private interviews with reporters might never see the light of day.

Another vehicle of publicity is the editorial. While the larger newspapers usually prefer to write their own editorials, many of the smaller dailies and most of the rural weeklies will use a well written non-controversial comment prepared by outsiders. In such a case a plain, straightforward expression of opinion will usually be acceptable. In this connection I may say that the Newspaper Enterprise Association is willing to write its own editorials based on news releases prepared by welfare agencies. That syndicate has distributed to hundreds of newspapers editorials commenting favorably on statements made by speakers and staff members of the National Probation Association as reported in our news releases.

Next there is the human interest or feature story. This may be the account of a touching or humorous incident that occurred in open court, or a bit of dialogue in your own office. Success stories about unnamed probationers or parolees might well be used for this type of publicity. The ability to recognize human interest when one sees it can be developed. The ability to *write* such a story is less easy to acquire. Charles Reade the novelist summed up considerable story-telling wisdom in his formula: "Make 'em laugh; make 'em cry; make 'em wait." This

device of suspense, however, can easily be overworked in the busy, rushing world of today.

Finally, there is the straight news story which probably constitutes the warp and woof of your publicity. This includes information regarding your annual report, your case load, new appointments, resignations, distinguished visitors to your office, field trips, in-training institutes, city, county, state and national conferences, and any other items developed during the day's work. All these constitute legitimate news and the papers will use items about them. Incidentally, if you happen to be a speaker at any professional gathering be sure to be well provided with manuscripts for the use of the press. In many cases it is advisable to prepare a one or two page abstract of one's paper, for the use of the press. In any event, be well supplied with copies.

When and How to Prepare Newspaper Copy

We next have to consider when and how the probation or parole officer should prepare newspaper copy. I say "when" because there are times when it is a tactical blunder for an officer to write his own story, unless he has a distinct flair for narrative. Reporters as a rule prefer to work up their own human interest, feature or sob stories. If in the course of your day's work you come across an incident that you believe could be shaped up into an article of that type, the better plan is to tell the reporter about it briefly. If he is interested he will ask for more details; if he isn't, it is wiser to drop the subject. It doesn't pay to try to force stories upon newspapermen.

The straight routine news story, however, may well be written in your own office. Since many newspapers, especially the smaller ones, are understaffed, a well written news handout, as it is called, is usually appreci-

ated. This is especially true when some technical point is to be elucidated or when statistics are given out. The danger of mistakes is thus reduced. Furthermore, reporters are usually awed by statistics and like to have them explained. If we write out our interpretation, our news item when it appears in print the next morning is more likely to be accurate.

A news article should tell the gist of the story in the first paragraph, preferably in the first sentence. At the very outset there should be answers to the questions, *Who? What? Where? When? How? and Why?* The reason for this is twofold. First, the busy modern reader often goes no farther than the first paragraph of a news story. Second, if part of the article has to be cut down at the last minute for lack of space it is easier for the makeup man to strike out or kill the last paragraphs than to read through the entire article to find out what may best be omitted. In such a contingency, if the gist of the story has been put near the end, your news item is wrecked.

A graphic example of the difference between ordinary literary style and newspaper style can be shown in connection with the well known tragedy of Julius Caesar. Shakespeare requires two acts and one scene of a third act to tell the story of Caesar's assassination. That is because the dramatist prepares the audience for the climax by showing the motives of the various conspirators, the conflicts in their emotions, their secret meetings, their plan of action and so on.

A newspaper correspondent, however, sending out a dispatch regarding the event—which by the way was the biggest news story of the year 44 B.C.—might have started his story something like this:

ROME, March 15—Emperor Julius Caesar was stabbed to death in the Capitol shortly before noon today by a band of

conspirators led by Marcus Brutus and Caius Cassius, both prominent in Roman political circles.

Confusion spread throughout the city as the news of the assassination became known, and an excited crowd began to form in front of the Capitol building. The sole clue as to a motive for the deed was obtained from a statement by Brutus addressed to the populace immediately after the killing: "Ambition's debt is paid."

A safe rule for all probation or parole departments, whether they handle juvenile or adult cases, is not to give out the names of their charges. Many states prohibit publication of the names of children handled by the juvenile court, but in practice the same rule should be extended to adult probationers or parolees. The task of rehabilitation is hampered if the name of the individual is blazoned forth in the newspapers.

It is quite true that reporters want names. A name enhances the value of a news story, because an article that does not reveal the identity of the protagonist might well have been fabricated by an imaginative reporter without leaving his desk. Nevertheless desire for interesting publicity should not cause us to forget good case work technique by tempting us to divulge the names of clients.

Hints on the Mechanics of Newspaper Copy

Now as to the mechanics of preparing newspaper articles or copy, as it is called. In the plants of modern dailies headlines are set up on special linotype machines. For that reason the headline itself will be written on a separate sheet of paper by the copy reader to whom your article is assigned for editing and head-writing. At the top of the first sheet of your contribution you should leave some space in which the copy reader can write the catch-line or guide line that will connect your manuscript with the headline that has been written on a separate sheet.

Editors and printers prefer typewritten copy and double space should be used to allow for editorial interlineations and subheadings. One side of the paper only should be used and a paragraph should not be continued from one page to another. This is because in a rush the foreman of the composing room may hand one sheet to one linotype operator and another sheet to another operator, and if a paragraph is split between the two pages a mechanical complication arises in setting the lines.

About Pictures

Pictures undoubtedly enliven a news or feature story and we should never overlook a legitimate opportunity of offering them to the papers. In the large cities where the newspapers have staff photographers and highly efficient engraving departments pictures may be taken only a few hours before press time for publication the same day.

Distinguished visitors to your office, especially good-looking ones, may stir the news photographers to action. Such pictures constitute first-class publicity since they imply that your department is being recognized. The home town daily will frequently publish photographs of newcomers to the probation staff.

Small newspapers have neither staff photographers nor engraving plants. This means that a photograph has to be made into a newspaper cut by some commercial engraver. This takes time and you should make your plans accordingly.

Supply staff members who do field work with matrices or mats of their own pictures so that they may distribute them to the small papers on their itineraries. These mats are made from engravings or cuts. Once your cut is made, you can have mats struck off from it at a cost of about a nickel a piece. These pasteboard squares take

very little room in your suitcase and many small papers are glad to use them. Newspapers make reproductions from a mat by pouring hot lead over it. When the lead cools, presto! there is a mold of the engraving from which the mat was made.

Suggestions on Handling Reporters

As in every other human activity getting along with the press depends largely on the personal equation. Reporters are human beings and as such usually are ready to "play ball," as they express it, with a news source that plays ball with them. Specifically I mean that if for any legitimate reason we want a probation or parole story kept out of the papers we can the more easily succeed in doing so if we show our good will by taking the reporter into our confidence and explaining how it is to the public interest for the item not to be published.

If at the same time we can give the reporter some other item of news or a feature suggestion, so much the better. Reporters usually respect confidences: those who don't are not likely to last long in the game. It must always be remembered that the reporter's job is to get the news and that his job is as important to him as ours is to us. If a conflict of interest arises between the reporter and the officer a little tact and human understanding can usually iron it out.

Above all, if you want a story kept out don't assume an air of mystery about it. Efforts to dodge the press whet the reportorial appetite. If Greta Garbo didn't wear green goggles and duck out of side entrances she would not be so sought after by reporters and her simplest utterances would not be so grossly overplayed in the newspapers.

Another matter that we should watch is that of giving stories to the newspapers on whose time they break.

By this I mean that if some news is developed in your office in the forenoon or early afternoon, give the item to the afternoon papers. On the other hand news that comes up after the afternoon papers' press time belongs to their morning contemporaries. Especially in a small city which has perhaps only one morning and one afternoon paper with keen competition between the two, this rule should be scrupulously observed if the reporters are to remain friendly to the probation or parole department.

In dealing with the press let us bear in mind that so far as the newspapers and the general public are concerned the probation or parole department *is probation or parole itself* in that particular community. Its citizens will derive their idea of what socialized treatment of crime means from the material that you disseminate to the papers. It therefore follows that our publicity plays an important role in furthering the cause that we all hold so dear.

Finally, we should keep overlastingly at it. A "flash" story once in a great while is not adequate publicity. Probation and parole are big subjects, and are not generally understood by laymen. The theme should be hammered home again and again. In the words of Prospero,

'Tis a chronicle of day by day,
Not a relation for a breakfast.

Interpreting Probation and Parole through the Radio

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RADIO interpretation of probation and parole is subject to the advantages and limitations that apply to all communications over the air, plus certain characteristics peculiar to the nature of correctional work. Advantages include the size of the radio audience, the emotional values of the living human voice, the person-to-person relationship of speaker to listener, and the facility of contact, that is to say, the ease with which the listener can establish contact. Among the disadvantages must be listed the one-way character of the communicative contact, the lack of immediate reaction from the listener, the utter dependence on voice, the transient impression of the moment, the brevity of the contact which ordinarily lasts from ten to thirty minutes, the superficial nature of the contact because of the ease with which the listener can tune out, and finally the completeness of listener control, that is to say, the continuing necessity of continuity of interest. These advantages and limitations define the problem for the interpreter of probation and parole by radio.

With these limitations in mind there are four aspects of the interpretation of probation and parole by radio that deserve attention: the purpose of the program, the administrative arrangements, the contents of the program, and finally, the actual presentation. Why are you going on the air at all? Is it in response to the request

of some radio station which has a certain amount of free time to fill, or is it because you have a definite message to convey to the public? Is that message the value and importance of probation and parole in general, or is it specific information on the way in which a given agency is performing its probation and parole function? Is your program intended merely to attract attention to the general function of probation and parole; is it designed to make people aware of the need of spending more money on probation and parole; or is it intended to move them to action—to really do something about it? The way in which you answer these questions will determine administrative arrangements, the contents of the program and perhaps even the way it is presented.

A Successful Program

Administrative arrangements include plans for a definite time on the air over a specific channel, for the personnel involved, for the preparation of the material, the approval by the radio station and the actual appearance of the speakers at the broadcasting studio. For one of the most successful broadcasts in this general field, *The Causes of Crime*, which ran for fifty-six weeks over WWJ, the Detroit News, in 1937-38, the initiative came from members of the radio staff who saw an opportunity to put on a sustaining feature which would have real social value.

Mrs. Edna Gordon Smith, who was mainly responsible for initiating the plan, was wise enough, however, to realize that the staff of the radio station would need the help of social work and psychiatric experts in preparing the material. A planning committee was accordingly organized, composed of representatives of Detroit public schools, the Detroit Police Department, the School Behavior Clinic, the University of Michigan Sociology

Department, the State Medical Society, the State Federation of Women's Clubs, and a number of other groups. Plans were carefully drawn for the selection of actual case records from the school and clinic files and arrangements were made for the dramatization of this material by the members of the WWJ staff, later supplemented by a paid worker from the clinical staff.

A definite schedule was then adopted, and for each dramatization, intended to represent some typical cause of crime such as the economic pressure on a family, a specialist in that field—a sociologist, social worker, or psychiatrist—was assigned a five minute period to analyze the drama which had just been given over the air and to draw the proper scientific conclusions. These arrangements were all made acceptable by the steering committee, but a great deal of the actual administrative details fell on the staff of the Detroit School Clinic under Dr. Baker, and on the staff of WWJ. For a long series of programs dealing with technical material I do not know any better way to handle the matter than the plan adopted in those broadcasts.

Single Broadcasts

For single broadcasts arrangements are naturally much simpler. Depending upon the purpose in mind and the time available, it becomes necessary to make up one's mind whether ordinary informational material should be presented or whether case material will be put on the air. Cases are almost always more interesting than any other type of material, but this again involves a further choice as to whether the story shall be simply narrated by one speaker, or whether some attempt shall be made to dramatize it. One thing that can be said about content with considerable certainty is that statistical material is deadly. The radio people advise anyone preparing a script for

presentation to begin with some attention-catching statement, to write simply, straightforwardly and if possible, in a conversational way and to attempt to keep interest running through the program.

In various broadcasts by the members of the staff of the Michigan Child Guidance Institute we have found that background information such as the number of delinquents handled each year by the courts in the state, reference to the cost (a million dollars or more) of handling these delinquents each twelve months, and similar material, seems to go over very well. We have tried to avoid dull statistical recital in general. The whole thing is tied up with the question of how is the material to be presented? Obviously one has a choice of four standard methods: the radio speech which is probably the least effective method unless one is severely limited for time; the dialogue or interview which breaks up the monotony of a single voice; the dramatized case; and finally, some combination of these three methods. The ordinary person invited to talk over the radio especially for the first time is inclined to write a speech, and then, of all things, to read it as a written speech. Any talk by one person over the air is bad enough unless that person happens to be a real radio personality, but when he sings or orates it he destroys the illusion of person-to-person communication which the ordinary radio listener builds up. The nearer a radio talk can approach the casual conversational tone the more effective it is likely to be. Yet one must remember that a single level of delivery soon becomes monotonous.

There is certainly plenty of material dealing with probation and parole which is sufficiently emotion-arousing to allow a speaker to vary the emphasis. For any longer period than eight or ten minutes the dialogue or interview form is probably preferable. This is especially true

if the dialogue can be written to convey the impression of a spontaneous conversation between the probation officer and the interviewer. This means of course that speeches must be kept reasonably short, one speaker must break in on the other occasionally as people do in actual conversations. Anyone who has had any experience in writing dialogue for amateur dramatics can do a fairly passable job of writing dialogue for a radio presentation.

Radio Drama

The actual dramatization of case material over the air is a matter that amateurs had better leave to the experts. Only people with special experience in dramatics under the peculiar limitations of the radio should attempt to dramatize this kind of material. When it is well done it is the most effective kind of radio presentation of the problems of probation and parole. A dialogue should snap, the situation should move rapidly, the characters should be well distinguished by differences in voice. Ordinarily these are matters which the average radio station will perhaps insist on handling through their respective script writers and radio actors.

For most probation officers or juvenile court judges who are given an opportunity to speak from five to thirty minutes, the radio speech and the dialogue-interview are probably the forms that will most readily be accepted. For state departments and even county probation departments in large counties there is a further possibility in radio that should be considered. That is the use of recordings. While ordinarily it would be very difficult to get much time over the larger stations and then only at rare intervals unless someone comes forward to sponsor a paid program, there are many smaller stations which need material for their sustaining programs as they are not hooked in continuously with larger chains. These

stations would welcome well prepared and well delivered speeches, dialogues, or even dramatic skits dealing with probation and parole. Ordinarily it costs from three to five dollars to make a recording, but for any long continuous series of programs twenty-five or fifty dollars spent on such publicity would be well invested.

Using Clients

Perhaps it is unnecessary to add a word of caution. No trained probation officer would think of letting one of his probationers broadcast in person. It may be the most effective kind of radio speech making but the exhibitionism encouraged in the child and the public attention focussed on him would certainly be undesirable. I have heard programs in which neglected children said a few words over the air. Perhaps we cannot lay down a hard and fast rule, perhaps there are some cases that can stand it, but in general the practice would seem to be undesirable.

In general whatever goes on the air must be put on with the eager expectation of attracting and holding attention; it must be prepared with the consciousness that people are much more interested in other people than they are in statistics and dry facts. Care must be taken to preserve the identity of the cases on the one hand, and to present them in the proper context to achieve the purpose desired on the other. Obviously if one is merely seeking to attract attention to the problem or to educate the public on the needs of the probation service, it is not so necessary to present emotional material as though one were seeking to arouse civic groups to action.

IX LEGAL DIGEST



Legislation and Decisions Affecting Probation, Parole and Juvenile Courts, 1939-1940

GILBERT COSULICH

Legal Assistant, National Probation Association

WITH only eight states holding regular legislative sessions, the 1940 crop of probation, parole and juvenile court laws was comparatively meager.

The southern states held the legislative spotlight. Mississippi passed a new and comprehensive juvenile court law containing several progressive features but still making it possible for an adult criminal court to try children between the ages of fourteen and eighteen for felonies without the consent of the juvenile court.

The Louisiana legislature authorized the creation of a state juvenile court commission for the purpose of preparing recommendations to the governor for "modernizing the juvenile court system" according to the standards laid down by the National Probation Association and the United States Children's Bureau.

Kentucky's adult probation act of 1936 was amended by raising the maximum number of state probation and parole officers from 38 to 40 and providing that instead of appointing only one for each judicial district the state director of probation and parole may assign officers to such courts and districts as he may determine.

Rhode Island amended the Administrative Act of 1939, changing the title of assistant director of the

State Department of Social Welfare in charge of probation and parole and in charge of correctional services to that of "probation and parole administrator." Another 1940 Rhode Island statute contained an amendment authorizing paroles for women who have been sentenced for not more than six months, after they have served at least one-third of the sentence. Such paroles are to be granted by the board of parole created in 1939.

The attorney general of North Carolina in an advisory opinion on the law creating a juvenile court in Forsyth county declared it unconstitutional, but made the suggestion that a consolidated city and county juvenile court might be created under the old law. This suggestion has been carried out.

As always, acknowledgment is due for the generous cooperation tendered by the Bar Association of the city of New York, through Franklin O. Poole, librarian.

CONNECTICUT Whenever a minor convicted in a town, city, borough, police, or justice court shall appeal to the superior court or a court of common pleas, or shall be bound over by any of the above named local courts and committed to jail, the superior or common pleas court may after due notice to the prosecution in the court to which the minor has appealed or been bound over, order the minor to the custody of a probation officer pending the disposition of the case. (Laws of 1939, c. 173)

The board of selectmen in each town in which there is no town, city, city and police, borough or police court shall appoint one of the justices of the peace to be trial justice, to serve for a two year term. At the same time the board shall appoint another of the justices of the peace to be alternate trial justice for the same term. The trial justice so named shall have exclusive jurisdiction, as against any other justice of the peace in the town,

over crimes, bastardy proceedings and proceedings for the commitment of children. (c. 177)

KENTUCKY The adult probation act of 1936 was amended by raising the maximum number of probation and parole officers of the State Department of Public Welfare from 38—one for each judicial district—to 40 for the entire state. The new statute gives the director of probation and parole the authority to assign such officers to such courts or districts as he may determine. (Acts of 1940, c. 145 and 147)

The law authorizing the appointment of probation officers by juvenile courts was amended so as to omit any reference to the establishment of a merit board in any county having a city of the first class, to conduct competitive examinations and to select probation officers. The elimination of this feature of the old law was no doubt due to the decision of *Beauchamp v. Silk*, 120 S. W. 2d 765, decided October 21, 1938.¹ This decision held that the statute providing for the merit system was unconstitutional. The new act also raises from \$1200 to \$1800 the maximum salary to be paid to assistant probation officers in counties having a city of the second class or a city of more than 20,000 and not more than 100,000. County courts are authorized to appoint unsalaried probation officers. (c. 146)

LOUISIANA A state juvenile court commission composed of five persons, two of whom shall be lawyers, was created. It is "to prepare recommendations to the governor, for subsequent enactment into law, providing for trials, supervision, and in general for the protection of juveniles who come under the neglected, delinquent and dependent classes." For its guidance the commission is

¹ See "Legislation and Decisions Affecting Probation and Juvenile Courts, 1938" *The Offender in the Community Yearbook*, National Probation Association 1938, p. 329.

instructed to follow, when practicable, the juvenile court standards adopted by the National Probation Association and the United States Children's Bureau. (Acts of 1940, No. 270)

MISSISSIPPI A new juvenile court law was enacted. The present age limit of eighteen years for dependent, neglected and delinquent children is retained. Juvenile court jurisdiction is now given to the county, circuit and chancery courts instead of only to the chancery and circuit courts as formerly. The creation of a "juvenile court department" is authorized in each of these courts. In the circuit court, however, such department may be created only if there is no county court in the county, while in the chancery court the juvenile jurisdiction is authorized without qualification. Existing city juvenile court setups (Jackson) are not disturbed by the new act. Provisions of the Standard Juvenile Court Law are followed. The juvenile court jurisdiction over delinquent children, however, is exclusive only up to fourteen years, and is concurrent between the ages of fourteen and eighteen. It is provided that if a child under eighteen is prosecuted for a felony in a criminal court, such court shall have authority to transfer the case to the juvenile court. Unlike the standard law, however, the 1940 law also authorizes the criminal court in its discretion to proceed with the trial. Conversely, the juvenile court in misdemeanor cases may waive jurisdiction in favor of the adult court; but no child under eighteen may be prosecuted in an adult court in such cases without an order of the juvenile court. The judge of the juvenile court is authorized to appoint volunteer probation officers but no provision is made for salaried officers. The new statute, however, specifies that it does not affect the present power of chancellors to appoint salaried county probation officers. (Laws of 1940, H. B. 40)

NEW JERSEY Judges of the court of common pleas in counties of not less than 800,000 [Essex county (Newark)] may on application of the chief probation officer appoint to the position of probation officer any person who prior to April 1, 1940, had served more than five years as a parole officer of the city home of a city of the first class. Any person so appointed shall be deemed to be in the classified civil service of the county.¹ (Laws of 1940, c. 78)

The commission to investigate and determine the causes of juvenile delinquency was continued to June 5, 1941. The members of the commission heretofore appointed shall continue to serve in their respective capacities without compensation for the additional year. (c. 81)

NEW YORK Except in New York City a court may, in imposing sentence, suspend the execution of judgment of imprisonment on certain specified days or parts of days, provided the sentence imposed does not exceed sixty days' imprisonment. The court may at any time within the term of such "interrupted" or "intermittent" sentence revoke such suspension and commit the defendant for the remainder of the original sentence. (Laws of 1940, c. 454)

The statewide Children's Court Act was amended so as to authorize the awarding to the prevailing party and against the adverse party costs of appeal from a decree of a children's court to the same extent as if the proceeding had been instituted in the county court. From the time of the filing of the transcript of the cost judgment in the office of the county clerk, it is deemed the judgment of the county court. (c. 828)

NORTH CAROLINA Chapter 385 of the Laws of 1939, creating a juvenile court in Forsyth county, was

¹ The Newark City Home was established under the charter of the city of Newark. Its use was discontinued in June 1940.

declared unconstitutional by Attorney General Harry McMullan in an advisory opinion handed down August 20, 1940. The attorney general held that the 1939 statute contravened the provision in the state constitution prohibiting the enactment of any special law for the establishment of courts inferior to the superior court. In the same opinion, however, Mr. McMullan suggests that the Board of Commissioners of Forsyth county may cooperate with the governing body of Winston-Salem in the election of the judge of a juvenile court under the preexisting law. This suggestion has been carried out and a consolidated city and county juvenile court has been established.

RHODE ISLAND Section 85 of the Administrative Act of 1939 was amended so as to change among others the title of the assistant director of the State Department of Social Welfare in charge of probation and parole and of correctional services, to that of "probation and parole administrator." The same section was amended in 1939 shortly after the original enactment of the statute by placing the functions of parole from reformatories in the hands of a board of parole of three citizens, one of whom must be a member of the Department of Social Welfare. The members are appointed by the director of social welfare, with the approval of the governor, for three year terms. (Public Laws of 1939, c. 679; Public Laws of 1940, c. 852)

The statute dealing with "reformatories and the state reform school" was amended so as to authorize paroles for women who have been sentenced for a period not exceeding six months, after they have served at least one-third of their sentences. In conformity with the 1939 law creating a board of parole, the 1940 amendment also places the parole power in the foregoing cases

in the hands of the board of parole instead of, as formerly, the "state director of public welfare, the chief of the division of jails and reformatories, and the chief of the division of probation and criminal statistics." The new board of parole also is authorized to grant paroles to males between sixteen and thirty who have been sentenced to the state reformatory or to a county jail for not more than six months. (Public Laws of 1940, c. 903)

SOUTH CAROLINA Act No. 809 of 1936 as amended, creating a court of domestic relations in any county containing a city of more than 60,000 (Charleston county), was further amended in several respects. The office of deputy probation officer and that of constable were created. Both new officers are to be appointed by the judge and are to hold office during his pleasure. The salary of the deputy probation officer is to be fixed by the judge at a figure not exceeding \$1200 per annum, and such deputy must give a bond of \$5000. The salary of the constable is likewise to be fixed by the judge, the maximum figure being \$1440 per annum, including automobile expenses. The constable shall be commissioned by the governor and must give a bond of \$2000. He is given the same powers in connection with arrest and the service of summonses and processes issued by the court as are now held by other constables and sheriffs. The county attorney, instead of the attorney for the board of county commissioners as formerly, shall act as counsel for the court. Subsection 1-a has been added to Section 26, so as to provide that the children's court shall have the power to bring into any proceeding any person charged with contributing to the delinquency or neglect of a child, or whose presence may be found necessary to a complete determination of the issue; and the court shall have the power to enjoin such person from causing or contributing

to such delinquency or neglect. To the homes to which the court is authorized to commit children are added any orphan homes, hospitals or private homes in the city or county of Charleston approved by the court. (Laws of 1940, No. 968)

X THE NATIONAL PROBATION ASSOCIATION



Review of the Year 1939-1940

CHARLES L. CHUTE

Executive Director

THIS report summarizes the activities of the Association for the fiscal year ending March 31, 1940, the thirty-third year of the existence of the Association and the nineteenth year since its incorporation as an active national agency with a paid staff.

During the year the staff consisted of the executive director, the assistant director, the associate director in charge of financial work, the field director, the director of the western branch, the membership representative, the publicity director and legal assistant, the librarian, and the office manager. Fifteen clerical workers included one secretary in the San Francisco office. Three part time workers from the National Youth Administration have also been employed. The work of the staff has been supervised by an active Board of Trustees assisted by the Professional Council, an advisory body made up of leaders in probation service from all over the country, by special committees, and by the national membership.

The main work of the Association consists of local surveys, consultation visits, conferences, legislative and general educational work, and publications. These services for the extension and improvement of juvenile courts and probation work, usually given at the request of judges, probation executives or state and local agencies, have

been carried on this year in twenty-six states, the District of Columbia and Canada. The more important projects undertaken by the staff for the fiscal year ending March 31, 1940 may be summarized under the following headings:

Field Service

ALABAMA The report containing our field director's study of probation and parole in Alabama, made under the auspices of the Prison Industries Reorganization Administration, was published. He assisted in drafting a constitutional amendment and bills, which were enacted, providing for a reorganization of parole, the authorization of probation and the creation of a state department for the administration of probation and parole. He later visited Alabama and assisted in establishing the system.

ARIZONA The western director participated in "Juvenile Court Week" in Phoenix, and visited several other cities in the state for consultation.

CALIFORNIA He visited many cities in California, speaking before service clubs, conferring with persons in probation and related work, participating in legislative hearings and arranging membership appeals.

At the end of the fiscal year the field director left for the west coast to begin an intensive survey of the juvenile court of Alameda county, Oakland.

CONNECTICUT A considerable amount of time was spent in cooperation with state organizations in the promotion of bills for statewide adult probation and juvenile courts.

A month's survey of the Fairfield County Juvenile Court was made in cooperation with the Connecticut Child Welfare Association. A report was mimeographed for limited distribution.

DISTRICT OF COLUMBIA Conferences were held with the director of the Administrative Office of the United States Courts, in whose department the probation system is now, representatives of the Bureau of Prisons, and others.

FLORIDA The report on adult probation and parole, made by our field director under the auspices of the Prison Industries Reorganization Administration, was published. He prepared a bill for a statewide adult probation and parole system. Several visits were made to assist in its passage. The bill, however, after passing the legislature was vetoed by the governor. Bills applying to the three larger counties were passed, authorizing the appointment of adult probation officers in each.

Several cities in Florida were visited for the purpose of conferring with local judges and probation officers.

IDAHO Visits were made to confer with the governor, judges and other state officers regarding improvements in probation and parole.

MISSOURI The executive director met the governor and representatives of the State Board of Probation and Parole to discuss proposed legislation.

NEW HAMPSHIRE Eighteen papers produced in a competitive examination for state probation officers were rated in our office.

NEW JERSEY A brief study of the state's well organized parole system was made. The Essex County Juvenile Court was visited. At the request of the State Civil Service Commission the executive director served as oral examiner of candidates for the position of state director of parole.

NEW MEXICO Several cities were visited and judges and probation officers were conferred with.

NORTH CAROLINA In Charlotte a two weeks' study was made of the juvenile court, probation department and detention facilities, and a written report was submitted to the judge and a special committee.

Conferences were held with members of the staff of the State Probation Commission in Raleigh.

OREGON The western director assisted in developing personnel under the new statewide probation and parole act and in organizing the state setup.

PENNSYLVANIA We cooperated in drafting bills and campaigning for a bill on state controlled adult parole. It passed the legislature but was vetoed by the governor.

Philadelphia A representative of the Association served as examiner in the oral test for new probation officers in the municipal court.

York The Association followed up its survey made during the previous year. A new position of juvenile court probation officer was created. A staff member of the Association served on an examining committee to establish a list of qualified candidates for the position. The highest ranking man was appointed.

RHODE ISLAND Visits were made and close contact maintained with the state probation and parole department.

TENNESSEE The executive director visited the juvenile court and probation department in Chattanooga and conferred with the judge, probation officers and others.

VIRGINIA Three visits were made to assist with pending legislation and extensive work for probation and parole.

WASHINGTON A five weeks' survey of the juvenile court of Seattle was made by two staff members of the Association, and a detailed written report prepared and distributed. Excellent results came from the study in the form of a much increased budget, new merit appointments and reorganization of the setup.

Our western director consulted with court people in Spokane in regard to a new juvenile detention home.

WEST VIRGINIA The field director inspected the juvenile detention home in Charleston and conferred with representatives of the new state department of probation and parole.

OTHER FIELD VISITS Many other cities were visited by staff members for purposes of consultation and local assistance and to arrange membership appeals and promote public interest in the work.

Conferences, Institutes and Addresses

NATIONAL CONFERENCE The thirty-third annual conference of the Association was held in Buffalo June 16-20, 1939, attended by two hundred and eighty-nine delegates from twenty-nine states, the District of Columbia and Canada. In addition to our own sixteen sessions, including a dinner and several luncheon meetings, we cooperated in joint sessions with the Association of Juvenile Court Judges of America and the National Conference of Social Work.

EASTERN PROBATION CONFERENCE These sessions were held in cooperation with the sixty-ninth annual congress of the American Prison Association October 16-20, 1939, in New York City. A luncheon planned jointly by the National Prisoners' Aid Association and the National Probation Association, at which Mrs. Franklin D.

Roosevelt and Judge Justin Miller spoke, was very successful.

NATIONAL PAROLE CONFERENCE Two members of the staff of the Association participated in the National Parole Conference in Washington in April, called by the Attorney General.

WHITE HOUSE CONFERENCE ON CHILDREN IN A DEMOCRACY The executive director was a delegate to this conference, called by the Secretary of Labor at the direction of the President to consider problems of youth.

CENTRAL STATES PROBATION AND PAROLE CONFERENCE The sixth annual meeting of this group, with which the Association cooperated, was held in St. Louis in May.

NEW ENGLAND CONFERENCE ON PROBATION, PAROLE AND CRIME PREVENTION We assisted in the arrangements for this annual conference and members of the staff attended and participated in the meetings at Portland in September.

WESTERN STATES PAROLE AND PROBATION CONFERENCE The western director participated actively in this conference in Salt Lake City in July and was chosen secretary for the ensuing year.

SOUTHWESTERN "POW WOW" ON PROBATION AND PAROLE This conference was held in Phoenix, Arizona in March. It was attended by about two hundred representatives from the southwestern states. Our western director gave active assistance in preparing the program and participated in the sessions.

FLORIDA A short course on the treatment of delinquents and the prevention of delinquency, sponsored by the Extension Division of the University of Florida and the State Probation Association, was held in February at

Gainesville. It was attended by probation officers, judges and civic leaders from all parts of the state. The executive director served as speaker and leader of discussions.

KANSAS At the Kansas Official Council in October our field director spoke before a dinner session of one hundred and twenty-five persons, and also conducted a half-day institute for the state parole officers.

WEST VIRGINIA During the State Conference of Social Work in October the field director conducted a three day institute on probation and parole and spoke before several other groups.

OTHER ADDRESSES In addition to the above, members of the staff of the Association addressed meetings and participated in state and local conferences in many sections of the country and in Canada. Among groups addressed were the state conferences of social work in California, Indiana, Kentucky, Minnesota, Oregon, South Carolina, Tennessee and Virginia; state probation association conferences in California, Indiana and Michigan; the State Probate Judges' Association in Idaho; special local and regional meetings in California, British Columbia, Idaho, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Tennessee and Washington. During the fiscal year members of the staff of the Association delivered a total of sixty-seven addresses throughout the country as follows:

Mr. Chute	. . . . .	14
Mrs. Bell	. . . . .	11
Mr. Hiller	. . . . .	13
Mr. Cosulich	. . . . .	1
Mr. Wales	. . . . .	28
<hr/>		
Total	. . . . .	67

The Western Branch

In the two years since our western branch office was opened in San Francisco, the western director has given a great deal of legislative, survey, educational and consultation assistance in eleven states.

Publications

The following publications appeared during the year:

Trends in Crime Treatment the Yearbook for 1939, 372 pages, containing the proceedings of the annual conference of the Association;

Pamphlet reprints from the 1939 Yearbook:

The Role of the Police in Crime Prevention—Helen D. Pigeon
Can We Change Personality?—Ira S. Wile

Understanding the Delinquent—Lottie Bialosky

The Use of Boarding Homes for Detention—Marjorie Wallace
Lenz

The Child in Detention as Seen by the Psychiatrist—John
Chornyak

Wider Jurisdiction in the Juvenile Court—Atwell Westwick

The Place of Probation in the Criminal Court—Justin Miller

Some Criteria of an Effective Parole System—David Dressler

Review of the Year 1938-1939—Charles L. Chute

Probation, the bimonthly magazine, five issues and index;

Newslet, a news bulletin for probation officers, sponsored by the Professional Council, three issues;

Juvenile Court Laws of the United States by Gilbert Cosulich, a study of the laws and provisions of juvenile courts throughout the country, 175 pages;

Adult Probation Laws of the United States by Gilbert Cosulich, a summary of adult probation laws in all states, 107 pages;

John Augustus: First Probation Officer, reprint of the first report on probation with an account of the life of John Augustus by Sheldon Glueck, 126 pages, illustrated;

The Juvenile Court in Seattle, report of a survey by Ralph G. Wales and Marjorie Bell;

The Juvenile Court Steps In, a pamphlet by Marjorie Bell;

Reprints, appeal leaflets and blanks, announcements of the larger publications, announcements and programs of conferences.

Publicity

Excellent publicity has been secured through a large number of newspaper releases.

Professional Council

Three meetings of the Professional Council have been held since our last annual report. The first was held in connection with the national conference of the Association in Buffalo in June. L. Wallace Hoffman, chief probation officer of the juvenile court of Toledo, Ohio, was the active chairman.

A well attended meeting was held during the Eastern Probation Conference in New York City in October. The new publication *Newslet* was launched.

The third meeting was held in the offices of the Association in New York City in December. The report of the committee on state, regional and national conferences was discussed and the program for the next annual conference of the Association was planned.

Special Committees

A committee made up of leaders in the fields of probation and parole was appointed to prepare a suggested

model bill for a state administered adult probation and parole system. Several meetings were held and extensive correspondence carried on. Several revisions of the draft were prepared before the final bill was agreed upon for publication.

General Work

We have given general advisory and field service to many states in regard to the extension and improvement of juvenile courts and probation. Literature and information have been sent out on request and educational displays of material loaned to conferences and institutes. An employment file has been kept and candidates notified of openings for which they might be qualified. We have assisted applicants in studying for examinations. Various appointing officers have turned to us in securing the services of qualified probation officers. Help has been given several civil service departments in preparing, conducting and rating examinations in the probation field.

The executive director and several members of the Board of Trustees were requested to serve as consultants by the American Law Institute in criticizing their "Youth Correction Authority Act" and "Youth Court Act."

Board and Staff Changes

There have been no important changes in our staff since the 1939 annual report. We continue to have the assistance of three workers supplied by the National Youth Administration.

Newbold Noyes of Washington, D. C., resigned from the Board of Trustees because of ill health, and two new members, Sanford Bates of New York and Louis N. Robinson of Swarthmore, Pennsylvania, were elected.

Membership and Financial Support

The total paid up membership of the Association on March 31, 1939 was 16,416. On March 31, 1940 the total membership was 16,938, an increase of 522 over 1939. The classified membership contributions for the year are shown in the following table:

Membership Contributions Received		
From April 1, 1939 through March 31, 1940		
Amount Contributed	Number of Contributors	
	New	Renewals
Up to \$1.99.....	160	1,417
Only \$2	851	3,615
\$2.01 to \$5.....	1,330	5,607
\$5.01 to \$10.....	531	2,375
\$10.01 to \$25.....	137	721
\$25.01 to \$50.....	24	113
\$50.01 to \$100.....	9	44
Over \$100.....	—	4
Total	3,042	13,896
Grand Total	16,938	

We have developed the plan of active memberships for probation officers on the calendar year basis. The number of active probation officer members at the end of the year 1939 was approximately fifteen hundred. In nearly one hundred probation departments all of the officers were enrolled.

The receipts and disbursements of the Association for the fiscal year are shown in the treasurer's report herewith. Our members and contributors have continued to stand by us loyally during the year. The Association has been greatly aided in many cities by its sponsors who

have cooperated in sending out financial appeals for the work. The increased number of these local appeals largely accounts for the number of new contributors.

The support of the Association comes chiefly from the small contributions of many interested persons. It has members in every state of the Union and some in foreign countries. Due to the generosity of its many contributors, the Association was able to close the year with a working surplus on hand in its general fund. We have no endowment fund but a permanent reserve fund has been gradually built up for emergency needs, consisting of the proceeds from legacies and special gifts and sums set apart by the Board of Trustees. This fund is invested in bonds and deposited in savings banks and brings a small regular interest return.

Interest in the efforts of the Association to develop individual study and effective treatment of offenders in the community is still increasing. As the only national organization in this field, we find the demands and opportunities for service unlimited. In return for the confidence of our generous contributors we are endeavoring to carry on the work as economically and as effectively as possible. We bespeak the continued interest and assistance of all who read this report.

Treasurer's Report

The following is a copy of the statement submitted by our auditors:

NATIONAL PROBATION ASSOCIATION, INC.

STATEMENT OF RECORDED CASH RECEIPTS AND DISBURSEMENTS, BY FUNDS, FOR THE YEAR ENDED MARCH 31, 1940

GENERAL FUND

BALANCE APRIL 1, 1939..... \$ 15,813.88

RECEIPTS:

Dues and subscriptions	\$103,637.86
Local contributions for field service	
expenses	480.89
Sale of publications	2,433.05
Income on investments	1,089.22
Interest on bank balances.....	433.76
Miscellaneous	58.25

TOTAL RECEIPTS 108,133.03

TOTAL \$123,946.91

DISBURSEMENTS:

Salaries	\$61,573.59
Extra service	2,640.48
Travel expenses	7,424.13
Printing	9,776.46
Multigraphing	6,203.60
Postage and express.....	8,448.22
Rent	5,749.25
Office supplies	2,308.92
Telephone and telegraph.....	1,001.67
Equipment	158.78
Purchase of publications.....	665.20
Miscellaneous	1,230.77

TOTAL DISBURSEMENTS \$107,181.07

BALANCE MARCH 31, 1940:

On deposit:

Operating account	\$ 3,905.15
Savings banks	11,988.69
Petty Cash	75.00
Travel expense funds.....	797.00
	<u>\$ 16,765.84</u>

RESERVE FUND

BALANCE APRIL 1, 1939 \$ 20,577.90

RECEIPTS:

Proceeds from sale of securities....	\$ 10,689.75
Legacy received	500.00

TOTAL RECEIPTS 11,189.75

TOTAL \$ 31,767.65

DISBURSEMENTS:

Purchase of securities..... 24,833.08

BALANCE MARCH 31, 1940:

On deposit in savings banks..... \$ 6,934.57SUMMARY OF RESERVE FUND AND CHANGES
THEREIN FOR THE YEAR ENDED MARCH 31, 1940

BALANCE APRIL 1, 1939:

Cash on deposit with savings banks..	\$20,577.90
Investments—bonds	44,333.50

\$ 64,911.40

ADDITIONS:

Profit from sale of securities.....	\$ 239.75
Legacy received	500.00

TOTAL ADDITIONS 739.75

BALANCE MARCH 31, 1940:

Cash on deposit with savings banks..	\$ 6,934.57
Investments—bonds and stocks.....	58,716.58
	<u>\$ 65,651.15</u>

ACCOUNTANTS' CERTIFICATE

National Probation Association, Inc.:

We have made an examination of your accounts for the year ended March 31, 1940 and have verified the securities of the reserve fund and the cash balance of the general and reserve funds as of that date by certifications obtained from the custodian and depositaries, respectively.

In our opinion the accompanying statements set forth the cash receipts as recorded and the disbursements of your general and reserve funds for the year ended March 31, 1940 and the transactions of the reserve fund for the said year and its investments at March 31, 1940.

(Signed) HASKINS & SELLS

New York, April 19, 1940

TREASURER'S NOTES:

1 There were unpaid bills carried over on March 31, 1940 amounting to \$343.80, subsequently paid.

2 The above statement divides the funds of the Association into the general fund, which is our operating account for carrying on the work, and the reserve fund. The latter has been built up from time to time by setting aside various sums from current receipts. The Board of Trustees has considered this fund essential to protect the Association in case of emergencies which might bring about a reduction in annual contributions. The Association has received from time to time certain legacies and also gifts of substantial amounts from persons, some of whom are still living. While none of these legacies or gifts have been restricted in any way as to their use in the work of the Association, it has seemed to the trustees that the Association would be carrying out the purpose of the donors in treating them as part of a special fund, of which the principal should not be used except in case of emergency. Therefore it was decided that such legacies and gifts might properly be looked upon as among the sources of the reserve fund and should be set forth in this report. These legacies and gifts have not been separately invested.

SOME OF THE SOURCES OF THE RESERVE FUND

LEGACIES

1926	Mrs. Annie R. Miller, Newark, New Jersey	\$ 1,870.22
1927	Sarah Newlin, Philadelphia.....	500.00
1929	Mrs. S. Edith Van Buskirk, Wyckoff, New Jersey.....	100.00
1931	Mrs. Winifred Tyson, New York	1,000.00
1933	John Markle, New York.....	10,000.00
1939	Georgiana Kendall, New York..	500.00
		<hr/> \$13,970.22

MEMORIALS

1924	Wilhelmine F. Coolbaugh, Chicago	\$ 1,000.00
1925	Joseph L. Boyer, Detroit.....	500.00
1930	V. Everit Macy, Westchester County, New York.....	1,850.00
1932	George Eastman, Rochester, New York	1,500.00
1934	Mrs. Helen Hartley Jenkins and the Hartley Corporation, New York	11,150.00
1936	Tracy W. McGregor, Detroit...	2,150.00
1937	Mrs. Fannie B. Look, Los Angeles	5,000.00
		<hr/> \$23,150.00

SPECIAL GIFTS AND LIFE MEMBERSHIPS

1925	Mrs. Leonard Elmhirst, New York	\$ 1,200.00
1927	Mrs. Lilly A. Fleischmann, Cincinnati, Ohio	500.00
1936	Mabel I. Hilliard, Donnellson, Ohio	325.00
1937-38	Henry Ford, Dearborn, Michigan	2,000.00
1939	Mrs. Genevieve S. Blethen, Seattle, Washington	1,000.00
		<hr/> \$ 5,025.00
		<hr/> <hr/> \$42,145.22

HENRY DEFOREST BALDWIN, *Treasurer*

Minutes

ANNUAL BUSINESS MEETING OF THE NATIONAL PROBATION ASSOCIATION, GRAND RAPIDS, MICHIGAN, MAY 25, 1940

THE business meeting was held in the ballroom of the Pantlind Hotel, Grand Rapids, in connection with the thirty-fourth annual conference of the Association. Irving W. Halpern, a member of the Board of Trustees, presided in the absence of the president, Timothy N. Pfeiffer, and the vice president, Judge George W. Smyth.

The following report for the Board of Trustees was presented by Mr. Halpern:

At the last annual meeting of the Association two new members were added to the Board of Trustees, Dr. Louis N. Robinson of Pennsylvania and Sanford Bates of New York. Eight former members of the boards were reelected. During the year one member resigned, Newbold Noyes of Washington, and the board elected Chief Justice William M. Maltbie of the Connecticut Supreme Court of Errors to fill the vacancy until this annual meeting.

The three regular meetings of the board were held in October, December and April. At each meeting full reports of the work of the staff were presented by the executive director together with the reports of the treasurer, the finance committee and special committees. Meetings of the executive committee and the finance committee were held during the year.

The Association revised and improved its financial and book-keeping system during the year.

Much thought was given to the development and work of our western branch office which was established in San Francisco in 1938. We have received and considered reports and recommendations from the Professional Council. At the December meeting of the board the chairman of the council, L.

Wallace Hoffman, was present and reported in person. Among the actions taken was approval of the *Newslet*, the news bulletin initiated by the Professional Council as a permanent publication of the Association.

The board received and approved the model adult bill drafted by a committee appointed by the board. The bill provides for a state administered combined probation and parole department, prepared especially for states seeking such organization.

At the last meeting of the board in April financial reports for our fiscal year ending March 31 were presented, showing total receipts in membership dues, contributions and other sources of \$108,129 and total disbursements of \$107,177. We are glad to report a balanced budget and a working surplus for the current year. A slightly increased budget for this year was adopted.

After due consideration the board voted to underwrite the production of a juvenile probation film. A special appropriation was made for the purpose.

The executive director presented a brief summarized report of the work of the Association during the past year.

L. Wallace Hoffman, reelected chairman of the Professional Council at its annual meeting earlier in the day, presented an informal report of the work of the council. He stated that the *Newslet*, sponsored by the council, has been published bimonthly, four issues having been distributed to all probation officer members of the Association. The council at its meeting May 25 voted to publish it four times a year, continuing through the summer.

The matter of state, regional and national conference affiliations has been studied by a committee of the council and the consensus of opinion reached was that we recommend the development of closer cooperation with state and regional groups and continue meeting with the National Conference of Social Work and the American Prison Congress, considering the former our national conference and the latter a regional conference.

Ralph Hall Ferris, chairman of the committee on resolutions, presented the following resolutions, each of which was separately considered and adopted:

I RESOLVED: that the National Probation Association approve and endorse the following resolutions:

The Association of Juvenile Court Judges of America, in conference assembled in the city of Grand Rapids, Michigan, this twenty-third day of May, 1940, realizing the inadequacy of any generalized statement to cover all situations, nevertheless, in order to clarify the place, purposes and functions of the juvenile court as now established, does declare and publish the following:

1 The juvenile court is an agency designed within the scope of its legal powers for the care and protection of dependent and neglected children, for safeguarding the interests and enforcing the obligations of responsible adults, and for the correction, re-direction and rehabilitation of delinquent youth.

2 The juvenile court although operating as a socialized court must recognize and protect the rights of those brought before it as provided by law and the constitution.

3 The juvenile court is a tribunal with jurisdiction to proceed informally, charged with the duties of diagnosing difficulties upon hearing aided by prehearing investigation, and of determining disposition, prescribing treatment and directing supervision.

4 The juvenile court is limited both by the laws controlling its organization and jurisdiction and by the community facilities that are made available to it for carrying out the constructive treatment that it finds necessary to prescribe.

5 The juvenile court should be housed in quarters separate and apart from criminal and other courts in surroundings assuring dignity and the necessary privacy, and should be furnished with a staff and equipment to discharge its functions adequately.

6 The juvenile court is not charged primarily with delinquency prevention activities, but the presence and prestige of the juvenile court act persuasively in this regard and the educational work of the court together with the activities of the court's probation staff tend to exert preventive influences.

II RESOLVED: that we do hereby approve the handling by the federal government of juvenile transients going from one

state into another, particularly minors who have run away from home and parental authority and who become problems for local communities where they are apprehended. We do further recommend that appropriate legislation, if the same is needed, be enacted by Congress to provide for the exercise of this jurisdiction by the federal government and for the return of such run-away juvenile transients to their home communities by the federal government rather than by local, county or state authorities.

RESOLVED FURTHER, that copies of this resolution be furnished members of Congress of the United States, and that the aid of all state organizations interested in child welfare be enlisted to procure the enactment of this resolution.

III WHEREAS, a large number of offenses, both petty and major in character, are committed by youths, and

WHEREAS, the commission of such offenses constitutes a menace and a challenge to government and to organized society, and

WHEREAS, many offenses may be prevented through the work of the legal profession in imparting to the younger generation an intelligent understanding and comprehension of laws and governmental institutions, of the reasons for the laws and the part that law observance plays in a well regulated and peaceful society, and

WHEREAS, a number of state bar associations have been rendering valuable service to the nation and to society toward the prevention of crime by informing youth of the meaning and processes of the law:

NOW, THEREFORE, BE IT RESOLVED that the National Probation Association commend and welcome such educational programs. The executive director is hereby directed to mail copies of this resolution to such state bar associations as are engaged in this program.

IV RESOLVED: that the National Probation Association extend a vote of thanks to Probate Judge Clark E. Higbee, chairman of the local arrangements committee; Edward N. Linkfield, Chief Probation Officer of the Kent County Circuit Court; William Roh and Chris C. Peters of his staff; Robert C. Gaunt, Chief Probation Officer of the Superior Court; Richard W. Newton, Juvenile Probation Officer; Ralph Hall Ferris, Assistant Commissioner-in-charge, and Fred C. Bates, District

Supervisor of the Division of Probation of the Michigan State Department of Corrections; Laird J. Troyer, president, Michigan Probation and Parole Association; to the judges and other members of the committee; to the Grand Rapids Convention Bureau for clerical assistance; to the Governor and the State Department of Corrections for financial assistance; to the Mayor and officials of Grand Rapids; to the local press; to the Pantlind Hotel; and to all speakers and other individuals and groups who participated in making the conference a success. And that the conference express its sincere appreciation of the tireless efforts of its executive director, Charles L. Chute, and the members of his staff for their splendid efforts in making this a successful conference, and their able contributions toward achievement of the aims of the National Probation Association during the past year.

RALPH HALL FERRIS, Michigan, *Chairman*
WILLIAM J. HARPER, White Plains, New York
DONALD E. LONG, Portland, Oregon
ANDREW B. STEELE, Kansas City, Missouri

Mrs. Lillian McDermott, chairman of the committee on nominations, presented the following report:

The committee met on May 24, 1940, all members being present. After careful consideration the committee voted to recommend to the members of the Association that the following members of the Board of Trustees whose terms expire at this time be reelected for the usual term of three years: Herbert G. Cochran, Norfolk, Virginia; Harry L. Eastman, Cleveland, Ohio; Irving W. Halpern, New York City; Charles W. Hoffman, Cincinnati, Ohio; Sam A. Lewisohn, New York City; Arthur C. Lindholm, St. Paul, Minnesota; William M. Maltbie, Hartford, Connecticut; Frank C. Van Cleef, New York City.

For the two additional vacancies on the board we nominate Henrietta Additon, Superintendent, Westfield State Farm, Bedford Hills, New York, and G. Howland Shaw, Chief of the Division of Foreign Service Personnel, Department of State, Washington, D. C.

The committee recommends that the two members of the board whose terms expire and who are not renominated, namely Joseph Siegler, former judge of the juvenile court of Newark, New Jersey, and the Honorable Alfred E. Smith, be elected by

the Board of Trustees as members of the Advisory Committee of the Association.

MRS. W. P. McDERMOTT, Little Rock, Arkansas, *Chairman*
 IRVING W. HALPERN, New York City
 HOWARD HUSH, Minneapolis
 VEMBA M. DUNLAP, Detroit
 RICHARD T. SMITH, Concord, New Hampshire

It was voted that the nominations presented by the committee be approved and that the secretary be instructed to cast a unanimous ballot for the election to the Board of Trustees for three year terms of the ten names presented.

The meeting adjourned.

CHARLES L. CHUTE
Executive Director

Officers, Board of Trustees, Advisory
Committee, Western Advisory Council,
Professional Council, Staff, OCTOBER 1940

NATIONAL PROBATION ASSOCIATION

Organized 1907, Incorporated 1921

1790 BROADWAY, NEW YORK

Western Office 110 SUTTER STREET, SAN FRANCISCO

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Attorney

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Director, Massachusetts Child Council

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Judge, Juvenile Court

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† Member of finance committee

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- JOSEPH N. ULMAN Baltimore
Judge, Supreme Bench

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- †LAURENCE G. PAYSON New York
Finance Committee, New York University
- JOHN FORBES PERKINS Boston
Judge, Juvenile Court
- *†PERCIVAL WILDS New York
Attorney

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* Member of executive committee

† Member of finance committee

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A. F. RUTH	Madison
WILLIAM OLDIGS	Milwaukee, Wisconsin

COMMITTEES OF THE PROFESSIONAL COUNCIL

Committee on Juvenile Court Film

EDWARD P. VOLZ <i>chairman</i>	KARL HOLTON
HOWARD L. GEE	MARY E. McCHRISTIE
L. WALLACE HOFFMAN	CHARLES L. CHUTE <i>ex officio</i>

Committee on Conference Affiliations

ROBERT C. TABER *chairman*

ROBERT C. EDSON	CHARLES B. VAUGHAN
RUSSELL JACKSON	L. WALLACE HOFFMAN <i>ex officio</i>
MRS. EDNA G. JOHNSON	CHARLES L. CHUTE <i>ex officio</i>

Committee on In-Service Training

JOSEPH P. MURPHY *chairman*

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ROBERT C. EDSON

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WILLIAM J. HARPER

CHARLES L. CHUTE *ex officio*

Advisors

LLOYD C. KERSEY *Assistant Supervisor, Minnesota State Board
of Parole, St. Paul*

PAULINE V. YOUNG, *University of Southern California,
Los Angeles*

S T A F F

CHARLES L. CHUTE *Executive Director*

K. KENNETH-SMITH *Associate Director*

MARJORIE BELL *Assistant Director*

FRANCIS H. HILLER *Field Director*

RALPH G. WALES *Director, Western Office*

GILBERT COSYLICH . . *Legal Assistant and Publicity Director*

R. GARNIER STREIT *Membership Representative*

EDITH MCWILLIAMS *Librarian*

SALLIE H. UNDERWOOD *Office Manager*

Minutes

MEETING OF THE PROFESSIONAL COUNCIL

THE Professional Council held its annual meeting at a luncheon session May 25, 1940, in Grand Rapids, Michigan, in connection with the thirty-fourth annual conference of the Association. Those present were:

L. Wallace Hoffman, Toledo, *chairman*; Clinton W. Areson, New York City; Frank C. Dillon, Denver; John J. Doyle, St. Paul; Ralph Hall Ferris, Lansing, Michigan; Joseph H. Hagan, Providence; Irving W. Halpern, New York City; William J. Harper, White Plains, New York; Arthur C. Lindholm, St. Paul; Mrs. Lillian McDermott, Little Rock; Joseph P. Murphy, Newark; William Oldigs, Milwaukee; Walter J. Rome, Pittsburgh; A. F. Ruth, Madison, Wisconsin; Richard T. Smith, Concord, New Hampshire; Leon T. Stern and Robert C. Taber, Philadelphia; and Charles L. Chute, secretary.

Non-members present were:

Judge Donald E. Long, Portland, Oregon, a former council member and now on the Western Advisory Council; Marjorie Bell, assistant director, and K. Kenneth-Smith, associate director, National Probation Association.

Mr. Hoffman presented informally to the council a report on the work of the year. The major achievement of the council is the promotion of the *Newslet*, the mimeographed house organ for probation officer members of the Association, of which four issues have so far been distributed. Mr. Hoffman appeared before the Board

of Trustees of the Association at their December meeting and at that time the board voted to continue publication of the *Newslet*.

Other interests of the council as reported by Mr. Hoffman include further development of the western area and a continuing study of the relationship of the Association to other conference groups nationally and regionally. At the December meeting of the council the decision reached after a discussion by members of the committee for the study of national and regional conference affiliations was that no one conference meets our needs completely and we should therefore continue cooperating with the National Conference of Social work, considering that as our annual national conference; with the American Prison Congress, considering that a regional conference; and with various other state and regional conferences. The chairman announced that he would appoint new members for the committee on such affiliations. The council's recommendation of a committee of western people to consider especially the problems and needs of the western district was reported by Mr. Hoffman to have been followed out in the appointment by Mr. Pfeiffer, president of the Association, of an advisory council from the eleven western states, the names being proposed by Mr. Wales, our western representative.

Judge Long commended the work of Mr. Wales very highly and commented on the need of further assistance in the western office. The area is so vast and the amount of work to be done so great that one man cannot encompass it. The further complication of combining in one director the professional function and the responsibility for financial support was also discussed by the council, and the general sentiment was expressed that as soon as possible the staff should be augmented and a division of the work provided for.

Discussing the *Newslet* further, the council agreed that it would take more stimulation from the Association office by Mr. Cosulich, the editor, to get news material directly from the field. The May issue was almost wholly made up of information assembled in the Association office from clippings and correspondence, with very few contributed items. The breakdown of the present district plan, whereby each member of the council is responsible for contributions from a designated area, was also discussed, with emphasis on the greater efficiency of a direct relationship between the editor and the members of the council or other probation officers who might contribute some news. After discussion of the dates of issue of the *Newslet* it was

VOTED to make the *Newslet* a quarterly publication, appearing in May, August, November and February.

The council is seriously interested in promoting some type of in-service training plan, possibly through the organization of institute groups, through a correspondence course, or through the issuance of a manual or handbook by the staff of the Association. Such a manual would have to be very broad in character and would be a major project if it is to have any real value. On motion of Mr. Murphy it was

VOTED that the chairman of the council appoint a committee to study the possibility of Association sponsorship of some such training plan.

Mr. Chute announced to the council a project on which the Association is already actively at work—the production of a ten minute motion picture film on probation and juvenile court work. The film will be directed to general public education and will be suitable for use in any local group interested in the subject of community treatment of delinquency. The price will be made as low as possible to secure the widest distribution, approximately \$25,

and arrangements will also be made for rental of the film for educational talks and special conferences.

On motion of Mr. Stern it was

VOTED that the chairman of the council appoint a committee to cooperate with the staff of the Association in the production of this film.

Election of officers resulted in the unanimous vote to continue L. Wallace Hoffman and Richard T. Smith as chairman and vice chairman, respectively, for the coming year.

The chairman and secretary requested members to send in suggestions for new council members.

CHARLES L. CHUTE
Secretary

By-laws

NATIONAL PROBATION ASSOCIATION, INC.

Adopted May 31, 1919. Amended April 14, 1920; June 21, 1921;
June 22, 1922; June 9, 1929; May 14, 1932; May 22, 1937.

ARTICLE I NAME

The corporate name of this organization shall be the National Probation Association, Incorporated.

ARTICLE II OBJECTS

The objects of this Association are:

To study and standardize methods of probation and parole work, both juvenile and adult, by conferences, field investigations and research;

To extend and develop the probation system by legislation, the publication and distribution of literature, and in other ways;

To promote the establishment and development of juvenile courts, domestic relations or family courts and other specialized courts using probation;

To cooperate so far as possible with all movements promoting the scientific and humane treatment of delinquency and its prevention.

ARTICLE III MEMBERSHIP

The membership of the Association shall consist of persons and organizations who apply for membership and are accepted by the Board of Trustees and who pay dues annually. Members shall be classified as active members, contributing members, supporting members, sustaining members, patrons, life members, and organization members. Active members shall be those who pay dues of \$2 or more a year; except that when arrangements are made for the affiliation of all the members of a state or local association of probation officers, paying joint dues in the local and national associations, the Board of Trustees may authorize a reduction of dues

for active membership. Contributing members shall be those who contribute \$5 or more annually to the Association. Supporting members shall be those who contribute \$10 or more annually to the Association. Sustaining members shall be those who contribute \$25 or more annually to the Association. Patrons shall be those who contribute \$100 or more during a single calendar year. Life members shall be those who contribute \$1000 or more to the Association. Organization members shall consist of organizations, courts or institutions which shall contribute \$10 or more annually to the Association. Members who fail to pay their dues after reasonable notice in writing by the treasurer or executive director shall thereupon cease to be members.

ARTICLE IV OFFICERS

The officers of the Association shall consist of a president, one or more vice presidents, and a treasurer who shall be elected annually by the Board of Trustees and shall serve until their successors are elected, and an executive director who shall be elected by said board to serve during its pleasure. The board also in its discretion may elect honorary officers who shall serve for such terms as the board shall determine.

ARTICLE V DUTIES OF OFFICERS

The president, or in his absence a vice president, shall act as chairman at all business meetings of the Association. The treasurer shall have charge of the finances of the Association and shall report thereon to the Board of Trustees. The executive director shall be the chief executive officer of the Association. He shall be paid such compensation as may be determined by the board.

ARTICLE VI OTHER EMPLOYEES

Other members of the executive staff and clerical assistants shall be appointed in such manner and for such terms and compensation as may be determined from time to time by the Board of Trustees.

ARTICLE VII BOARD OF TRUSTEES

The Board of Trustees shall consist of thirty members to be elected by the members of the Association at its annual meeting. The twenty-one directors now in office, whose terms expire subsequent to the annual meeting in May 1932, shall continue to hold office as trustees until the expiration of the terms for which they were respectively elected. At the annual meeting in May 1932 nine additional trustees shall be elected, three for terms of one year each, three for terms of two years each, and three for terms of three years each. At each annual meeting thereafter ten trustees shall be elected for terms of three years each. The board may fill any vacancy, however created, occurring among the officers or members of the Board of Trustees for the unexpired term. The board shall elect a chairman annually. He shall preside at the meetings of the board and shall be ex officio a member of all committees of the board.

ARTICLE VIII DUTIES OF TRUSTEES

The Board of Trustees shall elect the officers, shall have general direction of the work of the Association and shall administer the funds of the Association. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE IX COMMITTEES

There shall be an executive committee elected annually by the board, which shall consist of the chairman of the board, who shall be chairman of the executive committee, and six other members. Such committee shall have the powers and perform the duties of the Board of Trustees between the meetings of the board, subject to the confirmation of its action by the board. Three members shall constitute a quorum.

There shall be a finance committee consisting of a chairman and such other members as shall be determined by the Board of Trustees. Its duties shall be those which usually pertain to such a committee. It shall be appointed in the manner provided for by the board.

There shall be a Professional Council of the Association to consist of representatives of the courts and probation and parole services from the various sections of the country. The council shall consist of thirty or more members who shall be appointed by the president. One-third of the members of the council appointed in 1937 shall serve for one year, one-third for two years and one-third for three years. In advance of each annual meeting the president of the Association shall appoint for three year terms the successors of those members whose terms shall expire at such meeting, and such other members in each class as may be necessary to equalize the number of members in each class. The council shall elect its own officers annually at a meeting held in connection with the annual meeting of the Association. The council shall make recommendations to the Board of Trustees in regard to all matters concerning the professional work of the Association.

A nominating committee consisting of five members of the Association shall be appointed by the president each year to nominate candidates for membership on the Board of Trustees.

Such other standing and special committees as may be authorized by the Association or the Board of Trustees shall be appointed by the president, unless otherwise directed by the Association or by the board.

ARTICLE X MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May or on such day and at such place as may be determined by the trustees. Special meetings may be held as determined by the trustees. Ten members shall constitute a quorum. Meetings of the Board of Trustees shall be held at such times and places as the board may determine. One-third of the members shall constitute a quorum of the board.

ARTICLE XI AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at the annual meeting, subject to the approval of the Board of Trustees.

The Program of the National Probation Association

THE Association is the only national agency exclusively engaged in the effort to extend and improve probation service, together with juvenile and other specialized courts for effective dealing with child and family problems. It is concerned with the coordination of probation, parole and institutional work and interested in all measures for the effective social treatment and prevention of crime.

The Association has:

- 1 a nationwide membership of probation workers, judges and citizens interested in the successful application of the probation principle;
- 2 an active continuing board of trustees made up of prominent judges, probation workers and representative citizens;
- 3 an experienced staff which carries on its program.

In its working program the Association:

- 1 conducts city and statewide surveys of courts and probation departments, prepares reports, organizes and cooperates with local committees and agencies to maintain and develop effective probation and social court organization;
- 2 drafts laws to extend and improve probation and juvenile courts, and assists in securing the enactment of these laws;
- 3 aids judges in securing competent probation officers and assists the officers and other qualified persons in obtaining placements;
- 4 promotes state supervision of probation and cooperates with state departments and associations;
- 5 conducts a national probation conference and assists with special conferences and institutes for training probation officers;

- 6 carries on a research program for the study of practical problems in this field;
- 7 serves as a clearing house for information and literature on probation, juvenile courts, domestic relations courts, and crime prevention, for the entire country;
- 8 publishes a bimonthly magazine, *Probation*, with information and practical articles; the *Yearbook*, with addresses and reports of the annual conference; a *National Directory of Probation Officers*; summaries of juvenile court and probation legislation; case record forms for probation officers; reports of surveys and studies; practical leaflets and pamphlets.

Membership in the Association is open to everyone. Each member receives the bimonthly magazine, Probation, and the Yearbook upon request.

Membership classes: active, \$2; contributing, \$5; supporting, \$10; sustaining, \$25; patron, \$100 or over.

The Association is supported entirely by membership dues and voluntary contributions. Gifts are urgently needed to meet the growing needs of the work and the many requests for assistance from courts and communities all over the country. Contributions to the Association are deductible from income tax returns.

FORM OF BEQUEST

I devise and bequeath to the National Probation Association, Inc., incorporated under Article Three of the Membership Corporation Law of the State of New York, to be applied to the benevolent uses and purposes of said Association, and under its direction [here insert description of the money or property given]

INDEX

A

- Abbott, Grace, 36
Administrative Office, U. S.
Courts, 252, 298
Adolescent offender, 79 ff, 92 ff
federal, 97 ff
Negro, 107
Adult probation (*see Probation*)
Aichhorn, August, 193, 197
Alabama, 235, 297
Alexander, Franz, 193
American Association of Social
Workers, 263
American Law Institute, 51, 79,
92, 93, 94, 96, 168, 250, 305
American Prison Association, 48,
300
Congress, 300, 313
Arizona, 297
Association of Juvenile Court
Judges of America, 34, 300, 314
Attorney General of U. S. (*see*
U. S. Attorney General and
Conferences)
Augustus, John, 97, 180, 304
Authority, 31, 182

B

- Baldwin, Henry deForest, 311,
318
Bates, Sanford, 305, 312, 319
Beck, James M., *quoted*, 142
Bell, Marjorie, 302, 304, 325
Bennett, James V., *quoted*, 108
Big Brother Movement, 68, 69
Bird, Bernard J., *paper*, 13

- Bloodgood, R. S., 63
Bok, Curtis, 83
Borenstein, Emanuel, *paper*, 47
Borstal system, 52, 64
Bowler, A. C., 63
Boy Scouts, 7, 8, 10, 11
Boys' Clubs of America, 193, 194
Bronner, Augusta, 51, 193, 197,
198
quoted, 199
Buell, Bradley, 203
Buffalo, crime prevention pro-
gram, 14

C

- CCC (*see Civilian Conservation*
Corps)
California, 297, 302
Whittier State School, 48, 64
Camps, 9
Canada, 68, 297, 302
Carr, Lowell Juilliard, 193, 202
paper, 282
Case stories, 16, 56, 74, 118, 120,
121, 123, 162, 163, 178, 211, 212,
213, 215
Case supervision, 254 ff
Case work (*see also Juvenile*
courts and Probation), 49, 167 ff,
180 ff, 207 ff
Cass, E. R., 83
Castendyck, Elsa, *paper*, 34
Cermak, Anton, *quoted*, 143
Chappell, Richard A., 323, 325
Cherry, Ethel M., 265
paper, 254

Chicago, 1 ff, 99
 Area Project, 4, 10
 Child welfare services (*see U. S. Children's Bureau*)
 Children's Bureau (*see U. S. Children's Bureau*)
 Chute, Charles L., 296, 299, 301, 302, 303, 305, 316, 317, 319, 324, 325, 326, 328, 329
papers, 92, 296
quoted, 190
 Civilian Conservation Corps, 50
 Cleveland, Tremont Area Study, 201, 204
 Clinics, psychiatric, 220 ff
 Community Chests and Councils, Inc., 203
 Community organization, 1 ff
 resources, 24 ff, 45
 Conferences
 Central States Probation and Parole, 301
 New England Probation, Parole and Crime Prevention, 301
 Southwestern Probation and Parole, 301
 U. S. Attorney General's Crime, 22
 Parole, 301
 Western States Parole and Probation, 301
 White House, 301
 Colcord, Joanna, *quoted*, 49
 Connecticut, 196, 204, 289, 297
 Long Lane Farm, 48, 62
 Coordinating councils (*see Community organization*)
 Conover, Merrill, 202
 Cosulich, Gilbert, 302, 303, 325
papers, 271, 288
 Crime (*see also Conferences*)
 and youth, 13 ff
 causes, 151, 155
 prevention, 1 ff, 13 ff
 white collar, 138 ff

D

Davis, R. E. G., 203
 Decision, legal (*see also Legislation*), 290
 Delinquency (*see Crime*)
 causes, 3, 217
 Disposition boards (*see Treatment boards*)
 District of Columbia, 97, 207, 298
 Doherty, J. Kenneth, 203
 Drew, Daniel, 151
quoted, 150
 DuVall, Everett, 203
 Dyer Act, 106, 111

F

Farley, James A., *quoted*, 143
 Federal Bureau of Investigation, 147
 Federal Juvenile Delinquency Act, 101, 104, 111
 Federal Trade Commission, 142, 146
 Ferris, Ralph Hall, 314, 315, 316, 323, 326
 Florida, 298, 301
 Flynn, John, *quoted*, 143
 Foster homes, 58, 67, 109, 112
 Friend of the Court, 156 ff

G

Gabower, Genevieve, 323, 325
paper, 207
 Gardner, George E., *paper*, 220
 Gilbert, William S., *quoted*, 26
 Glueck, Sheldon, 51, 83, 304
 and Eleanor T., 57, 193
 Gross, Alfred A., 116, 117
paper, 114
 Group work, 193 ff

H

- Hagan, Joseph H., 324, 326
paper, 234
quoted, 248
- Halpern, Irving W., 312, 317,
 319, 323, 326
- Harper, William J., 316, 324
- Harrison, Leonard V., 83
- Hays, Will H., *quoted*, 21
- Healy, William, 51, 81, 83, 193,
 197, 198, 199, 220
quoted, 68
- Heininger, Robert M., 193, 196
- Hendry, Charles E., *paper*, 193
- Henninger, J. M., *quoted*, 127
- Henry, George W., 116, 117, 136
paper, 114
- Hiller, Francis H., 297, 298, 300,
 302, 325
- Hoffman, L. Wallace, 304, 313,
 323, 324, 325, 326, 327, 329
- Holmes, Oliver Wendell, 113

I

- Idaho, 298, 302
- Illinois, 1, 99
- Indiana, 138, 142, 302
- Institute for Juvenile Research,
 4, 10
- Interpretation, 206
- publicity, 282

J

- Jackson, Robert H., 100
- James, Arthur W., *paper*, 97
- Johnston, Warden James A.,
quoted, 22
- Juvenile courts (*see also Case
 Work and Probation*), 24 ff, 99,
 314

Juvenile Court Judges' Association
 (*see Association of Juvenile
 Court Judges of America*)

K

- Kaiser, Clara A., 202
- Kansas, 302
- Keedy, Edwin R., 83
- Kentucky, 235, 288, 290, 302

L

- Laine, Elizabeth, *quoted*, 21
- Legislation, 288, 298
- Levy, Marshall, 193
- Lewin, Kurt, 197
- Lewis, William Draper, 92, 93,
 94, 95
paper, 79
- Lippman, Walter, *quoted*, 143
- Long, Donald E., 316, 326
paper, 24
- Louisiana, 288, 290

M

- MacCormick, Austin H., 83, 114
- McDermott, Lillian, 316, 317, 323
- Maltbie, William M., 312, 316,
 319
- Martin, Alexander R., 193, 194,
 196, 201
- Maryland, 235
- Massachusetts, 47, 52, 59, 98, 220,
 230, 245
- Industrial School for Girls, 53
- Industrial School for Boys, 53
- Lyman School for Boys, 53, 59
- Mead, Bennet, 75
quoted, 72

Michigan, 156, 282
 Child Guidance Institute, 282,
 285
 Mikell, William E., 83
 Miller, Justin, 301, 303
 Minnesota, 202, 235, 302
 Mississippi, 288, 291
 Missouri, 235, 298
 Moreno, J. L., 197
 Murphy, Joseph P., 320, 323, 325,
 326, 328
paper, 239

N

NYA (*see National Youth Administration*)
 National Association of Training
 Schools, 48
 National Commission on Law Ob-
 servance and Enforcement, 246,
 250, 252
 National Conference of Social
 Work, 47, 48, 197, 300, 313
 National Prisoners' Aid Associa-
 tion, 300
 National Probation Association,
 48, 92, 190, 193, 234, 241, 249,
 271, 288, 291, 296 ff
 addresses, 302
 advisory committee, 320
 annual meeting, 312 ff
 resolutions, 314
 by-laws, 330
 committees, 304, 314, 316, 319,
 320, 324, 325
 conferences, 300
 cooperation with PIRA, 297, 298
 field service, 297, 298, 299, 300
 institutes, 300, 301, 302
 legal research, 288 ff
 membership, 306, 311
 officers and board, 296, 305, 310,
 312, 316, 318 ff, 327
 professional council, 296, 304,
 312, 313, 323, 326 ff
 program, 334
 publications, 297, 300, 303
 publicity, 304
 report, 296 ff
 staff, 325
 treasurer's report, 308 ff
 western advisory council, 321,
 327
 western office, 296, 297, 299, 300,
 301, 302, 303, 304, 312, 325,
 327
 National Recreation Association.
 110
 National Training School for
 Boys, 112
 National Youth Administration,
 296
 New Hampshire, 298, 302
 New Jersey, 52, 239, 242, 292,
 298, 302
 State Home for Boys, 52, 63
 New Mexico, 298
 Newspapers, 271 ff
 New York, 13, 114, 115, 116, 180,
 193, 204, 242, 254, 292, 302
 Citizen's Committee for the
 Control of Crime, 115
 magistrates' courts, 115
 State Training School for Boys,
 48
 North Carolina, 289, 293, 299
 Noyes, Newbold, 305, 312, 321
 Nutt, Alice Scott, *quoted*, 40, 51

O

Oregon, 24, 235, 299, 302

P

PIRA (*see Prison Industries Re-
 organization Administration*)

PTA (*see* *Parent-Teachers Association*)

Parent-Teachers Association, 9, 23

Parole (*see also* *Legislation*), 47 ff, 111administration, 234 ff, 239 ff
administration, juvenile, 52

Parsons, Herbert C., 51, 52

Pennsylvania, 79, 167, 204, 299, 302

Sleighton Farm School for Girls, 48, 52, 62

Pfeiffer, Timothy N., 312, 318, 320

Pokorny, Edward, *paper*, 156

Prison Industries Reorganization Administration, 297, 298

Probation

administration, 234 ff, 239 ff
case work treatment, 167 ff, 207 fffederal, 100, 102, 103, 106, 112
motion pictures, 15 ff

outcome, 68 ff

sex offenders, 114 ff

Professional Council (*see* *National Probation Association*)Publicity (*see also* *Interpretation*), 271 ff, 282 ff

Pure Food and Drug Law, 149

R

Radio (*see* *Publicity*)Reade, Charles, *quoted*, 275

Recreation, 7

Redl, Fritz, 193, 197, 199, 200

Reeves, Elmer W., *paper*, 180

Reynolds, Bertha C., 204, 267

Rhode Island, 234, 248, 288, 293

Robinson, Louis N., 305, 312, 320

Romano, Fred A., *paper*, 1

Roosevelt, Franklin D., 240

S

Salvation Army, 9

Schools, correctional, 48 ff

crime prevention program, 13 ff

Sellin, Thorsten, 81, 83

Seneca, Lucius Annaeus, *quoted*, 97

Sex offender, 114 ff, 226

Shaw, Clifford R., 4, 153, 193, 197, 201

quoted, 200

Shulman, Harry M., 193, 196

Slavson, S. R., 193, 197, 200, 201, 203

Smith, Edna Gordon, 283

Smith, Richard T., 317, 323, 329

Smyth, George W., 312, 318, 320

Social Security Act, 38, 41, 102

South Carolina, 294, 302

Stewart, V. Lorne, *paper*, 68

Sutherland, Edwin H., 13

paper, 138

Svendsen, Margaret, 193, 200, 202

T

Taber, Robert C., *paper*, 167

Tennessee, 235, 299, 302

Training schools (*see* *Schools, correctional*)

Treatment boards, 51, 95

Treatment, institutional (*see also* *Schools, correctional*), 47 ff

Truancy, 227

U

U. S. Attorney General (*see also* *Conferences*), 100, 102, 106, 112

U. S. Attorney General's survey report, 240, 249, 251

U. S. Board of Parole, 102, 111, 112, 113

U. S. Bureau of Prisons, 100, 102,
103, 104, 252
U. S. Children's Bureau, 34, 35,
102, 109, 202, 291
Ulman, Joseph N., 83, 93, 320
Utah, 235

V

Valentine, Mildred, 193
Vermont, 235
Virginia, 299, 302

W

WPA (*see Works Progress Ad-
ministration*)
Waite, John B., 81, 83

Wales, Ralph G. (*see National
Probation Association, western
office*)
Washington, 235, 300, 302
West Virginia, 235, 300, 302
White House Conference, 34, 35,
37, 38, 41, 42, 43, 44, 46
Wickersham Commission (*see
National Commission on Law
Observance and Enforcement*)
Williams, Herbert D., *quoted*, 60
Williamson, Margaretta, 49
Works Progress Administration,
10, 125
Wylegala, Victor B., 15, 19, 23

Y

Youth Correction Authority Act,
51, 79 ff, 93, 96, 305